Volume 9, Number 60 / 85 cents

What to expect from FBI Chief Kelley

Does it pay to complain about the police in St. Louis?

Can the Chicago Police be tamed?

Queeny Park - the St. Louis Watergate?

ALSO: **Cook County law enforcement mismanaged** / The future of the Democratic Party / **Missouri politics** / Poems

FOCUS MIDWEST 73

OUT OF FOCUS

(Readers are invited to submit items for publication, indicating whether the sender can be identified. Items must be fully documented and not require any comment.)

Birthright, an anti-abortion counselling service, has adopted the name "Pregnancy Aid." Sister Mary Patrick Power, A.S.C., executive director, reports that the group receives about 400 calls per month, about half from women seeking an abortion referral service, despite new court rulings throwing out Missouri's anti-abortion statute. Pregnant girls who arrive at the office of "Pregnancy Aid" do not realize they are not at an abortion-referral service, as Sister Mary Patrick does not wear her habit. In the process of the interview, women are shown pictures of aborted fetuses and are often so frightened that they decide to have their babies.

From *St. Louis Review*

It happened! The *St. Louis Globe-Democrat* favored the 5th Amendment. It editorialized that the only decent thing for John Dean III would have been to claim the self-incriminating provision of the 5th Amendment when questioned about conversations – with the President.

EVOLUTION WITH HONOR AMONG REPUBLICANS
(or before, during, and after)

1

FINANCE COMMITTEE FOR THE
RE-ELECTION OF THE PRESIDENT
1972
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2

Has Full Confidence In Dean, Nixon Says

BY LOU CANNON
Globe-Democrat-Washington Post News Service

in Mr. Dean in this regard," Ziegler said. Ziegler issued no similar statement about

the Los Angeles Times report.

3

MISSOURI REPUBLICAN FINANCE COMMITTEE

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ALFRED J. FLEISCHER
Chairman

Dear Fellow Missourian:

The Republican Party publicly is in trouble. WE NEED YOUR HELP.

The deplorable Watergate scandal, in which a few misguided adventurers exercised bad judgment and performed assorted questionable acts, has cast a pall of suspicion over the activities of the entire Republican Party

There is not one member of a racial minority group among 301 full professors at Southern Illinois University at Carbondale, the United States Department of Health, Education and Welfare has reported.

A circular to beat all circulars:

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CREDITS

We failed to give proper credits for photographs on pages 28 and 36 in the "Women's Issue" (No. 59) to Tom Yahnke of Master Slide, Inc. (Webster Groves, Mo.)

Letters

THE WOMEN'S ISSUE

F/M: Members of the staff of *Conservative Judaism* have read it with interest and particularly admire the variety and balance in the articles selected.

Deborah Brodie
Managing Editor
Conservative Judaism
New York, New York

F/M: Recently while stopping at the St. Louis airport I picked a copy of FOCUS/*Midwest*. I have been very impressed with the contents. The articles seem well written and timely.

David P. Varady
Cincinnati, Ohio

F/M: Loved the women's issue!

Mona Goldstein
St. Louis, Missouri

F/M: . . . I have read the entire issue and most enthusiastic about the topic and the treatment of it. . .

Joy L. Joyce
Villa Park, Illinois

F/M: . . . you published an issue devoted to the women's movement. We feel that this issue would be an invaluable resource for our library.

Louise Headd
Women's History Library
Berkeley, California

PETITION FOR AMNESTY

F/M: In cooperation with other national and local organizations, the Indiana chapter of SANE: A Citizens' Organization for a Sane World is circulating a petition calling for *universal and unconditional amnesty* for those who refused for reasons of conscience and principle to participate in the American War in Indochina. We are asking other individuals and organizations to join us in this effort. Copies of the petition can be obtained by contacting either SANE, att. Gisela Hersch, 1300 E. Hillside or DICS, att. Dan Maguire, Indiana Memorial Union, both Bloomington, In. 47401. The petition has been drafted with assistance of Indiana University law professors and reads as follows:

We, the undersigned residents of the United States of America, strongly urge amnesty for those who refused to fight in South East Asia for reasons of conscience. We ask for immediate and unconditional amnesty on the following grounds:

* Many Americans who have refused to participate in the war in Indochina have been guided by conscience and principle. They have acted on moral grounds based on judgments now shared by many of their fellow citizens. Among the most tragic victims of U.S. military actions have been civilians whose plight has underscored the immoral aspects of the war. Those whose conscience, stirred by the nature of the war, barred participation should not be penalized for having been true to their convictions.

* As of 1970, conscientious objection to the war on moral as well as religious grounds has been a basis for draft deferment. Those with moral objections to the war who were denied C.O. status before 1970 and who resisted service in South East Asia had only a stark choice between jail or exile. They have a clear claim on the nation for amnesty.

* It is said by some that amnesty would be unfair to the families of Americans who died in Vietnam. We believe that these tragic losses cannot sanctify an unjust war. Fairness to the dead requires not a spirit of vindictiveness but a spirit of reconciliation.

We therefore urge the President and the Congress immediately to declare a universal and unconditional amnesty for those who refused on grounds of conscience to participate in the American War in Indochina, beginning in 1961, including the following actions:

(1) All persons now outside the United States who fled military service for reasons of conscience should be allowed to return without prosecution;

(2) All persons currently held in civilian or military prisons for offenses committed for reasons of conscience should be promptly pardoned;

(3) All pending and potential prosecution of those who fled military service or resisted otherwise for reasons of conscience should be dropped;

(4) All those who because of completed prison terms or otherwise have lost civil rights due to their opposition to the war should have such rights restored;

(5) Determination of entitlement to amnesty should be made by appointed commissioners; and

(6) Amnesty should be unconditional, without penalty or requirement of compensatory service.

Gisela Hersch, Amnesty Project
1300 E. Hillside Drive
Bloomington, Indiana 47401

MORE ON ERA

F/M: The following letter was mailed:

The Honorable Thomas Hanahan
Member, House of Representatives
State Capitol
Springfield, Illinois 61106

Dear Representative Hanahan:

As a supporter of the Equal Rights Amendment, I would like to comment on your remark, quoted in FOCUS/*Midwest* (Vol. 9, #59), that supporters of the ERA are "braless, brainless broads."

While I appreciate your alliterative abilities, I feel you should know that in Missouri, the Speaker of the House, the President Pro Tem of the Senate, and the Governor, among others, support the ERA. The Speaker is co-sponsor of the ratifying resolution.

These gentlemen strike me as being reasonably "brainy." I cannot personally testify as to whether or not they wear bras, but I am fairly certain that none of them answer to the term "broad."

I have not taken a poll among my female friends to ascertain who does or does not wear that undergarment to which you attach such importance, nor am I sure of what you mean by "brainless." Among my associates who support the ERA are a successful magazine editor with a Masters Degree in Journalism from Columbia University, a government consultant with a Masters in Public Administration from the University of California, a number of members of the staffs of various legislative committees throughout the country, and some extremely competent and successful teachers, doctors, lawyers, housewives, secretaries, beauticians, computer technicians, actresses, salespeople, department or division managers, engineers and state legislators.

If you have been misquoted, I am sure you will want to correct the error. If you were quoted correctly, I respectfully suggest you reevaluate your view of this issue.

You might even find that the "braless, brainless broads" make sense.

Renee L. Elliott (Ms.)
Kansas City, Missouri

A NEW SCHOLARLY JOURNAL

F/M: A new scholarly journal, *The Great Lakes Review: a Journal of Midwest Culture,* will begin publication in December of 1973. At present we plan two issues per annum. Would it be possible for you to run a "solicitation of manuscripts" note for us in one or two forthcoming issues? We are interested in reading papers on various aspects of culture in the Midwest, e.g., folklore, literature, history, bibliography, dialectology, the visual arts and the social sciences. We do not expect to publish a great deal of poetry or fiction, but hope to include some in each issue. We encourage submission of personal essays, fiction and poetry if the material has some particular relevance to the midwest scene. Manuscripts should be prepared in conformity with the second edition of the MLA Style Sheet and be addressed to: Editors, *Great Lakes Review,* Northeastern Illinois University, St. Louis and Bryn Mawr, Chicago, Illinois 60625. Return envelope and postage should accompany each manuscript.

G. C. Nemanic, Co-editor,
Great Lakes Review

A CONVICT SPEAKS OUT

F/M: A sullen silence hovers over prison systems. Protest and rebellion occur with forbidding frequency, but only major uprisings become national news.

There has been a cause and today we suffer the effect, so now is the time to listen rather than turn a deaf ear. Prisoner rehabilitation is now a showcase – less than the name implies. The real problem centers in the Main-line which includes all prisoners.

Until convicts can hold jobs in prison industries, until a fair wage is offered for their labor, so they may build financial security for their release, recidivism will probably remain at the same level. This is the major problem but there is a remedy.

At one time the singular purpose of prison was to punish lawbreakers. Rehabilitation was not practiced and felons were discharged with no more than gate money. Part of this system still remains.

Prisons no longer serve the single purpose of incarceration. Today the building and preserving of the system is equally as important. By a comparison of employee to client – the new convict label – the ratio has swiftly increased within the past 20 years. Career penologists became aware of expansion and control, that citizens and lawmakers would seldom challenge their theories. This philosophy has created an economic waste through political patronage that nourishes the bureaucracy of prison management.

The change over to present day prison management, with its rising cost, began when hundreds of jobs once competently filled by convicts were designated *confidential areas.* Free people are now employed on such jobs and well paid. This is a form of political patronage which has developed and passed on to the taxpayer.

Terms and labels now employed lack true relevance, and indecision develops on the part of those able to question their methods. Probably no other part of government, managed by professionals, offers statistics so unreliable and open to challenge.

Deceptive terms and labels has given penology an aura which is difficult to comprehend. *Security* is the key word for more funds and more personnel, to build useless barriers within barriers. Much of what takes place within prison is legitimate fraud. The *client* label is more repulsive than *convict.* Any advantage of being processed through social and psychological phases of the confinement is part of the showcase, discounted when the title becomes ex-con after release.

Proposals to rehabilitate felons seldom include his financial security upon release. Yet, nothing is more important if he is not to become a recidivist statistic. Thousands leave prison without money enough to survive a week, but little concern is shown by the policy makers. Nor do they offer a suitable remedy.

The public may believe that prison systems are being redesigned, but the building and support of a strong negative system into our society actually is what is taking place. And while convicts are needed, they now are only a secondary consideration. Prison budgets, especially federal institutions, will clarify this statement.

The shoe factory in the federal prison at Leavenworth employs less than half the population, and these men can earn up to 75 or 80 dollars a month. Pay is based on types of jobs and longevity. Most men earn far less, and the greater number of prisoners – those not working in industries – earn nothing. Prison industries, through inmate labor, has enhanced its position rather than benefited the Main-line. However, industries in state prisons lag still farther behind. One major product manufactured by federal industries are shoes. State industries produce license plates, furniture, and general products. All should show a profit.

The Financial Editor of the *Chicago Daily News* several years ago quoted figures released by the U.S. Comptroller-General's fiscal report for either 1967 or 1968. It showed that over five millions of dollars were turned back to the U.S. Treasury. This profit came from convict labor.

The importance of reasonable compensation for convict labor cannot be underestimated. An amendment to the Omnibus Crime Bill suggests a minimum of 75 cents per hour for federal prisoners who manufacture products to be sold. It further states that inmates of state institutions must also receive this wage when the product manufactured is for the federal government. There is no evidence at this time that prisoners receive this pay scale.

An example of total disregard ot a convict's future is that of a man released after 15 years of servitude who received nothing because he had $150 of his own money. Someone with the authority to make this decision claimed this man had sufficient money for a new start.

It is continually asked if relief is possible, and the answer is "yes." But not until the bureaucracy which created the problem of high-cost penology is better controlled. The funds must be spent to benefit society by improving the financial position of the felon rather than building and creating jobs for a secondary purpose.

The evidence that prison systems need better management can be found in almost every penal institution if an impartial survey was conducted, and prisons are not the intricate problem we are led to believe.

The most important change will be the amendment of antique laws now 40 years old and no longer beneficial to our changing times. They once protected both convicts and the "sovereign" states against vicious practises engaged in by sister states. From a disgraceful situation which used convicts as slave labor a federal law was enacted forbidding the Inter-State Shipment of Prison Made Goods. The states also enacted laws. The original laws have been amended to meet the needs of the states and the federal government, but not with any benefit to the convicts. States still pay only a pittance (excepting the federal industries) for the only thing a prisoner possesses – his labor.

What is needed today is modern prison industries to produce goods for a limited market at different levels of state governments. This would give prisoners a chance to work and to earn a salary. In order to accomplish such a change, the Inter-State Shipment of Prison Made Goods law would need to be amended along with complementary amendments of state laws on convict-made products.

A new law would license the sale of convict-made products to sister state governments or the federal government at all levels, but not in competition against business and industry on the open market.

With a practical law and competent management, plans for producing needed products could be formulated and set in motion, in time save state and local governments millions of dollars.

There may be opposition from labor unions and certain types of business, but reform seldom is accomplished without cost to someone. On the other hand, the states would profit and prison budgets should decline. Most important would be financial security for men leaving prison and returning to your community.

A look at the recidivism rate of federal prisoners who worked in industries and had financial security upon release, may prove that fair pay for labor is something that penology must in time accept.

Robert E. Green
Draper, Utah

Chicago ponders, St. Louis trains policewoman for rape squad

Articles and reports have been widespread that rape victims find suspicion if not ridicule and distrust if they turn for help to the police.

There is no question that much of this kind of reception is due to the male composition of the police department. We must compliment, therefore, the St. Louis Police Department which is training policewomen to interview victims of rape. The women officers are being trained by phychiatrists and other experts.

One St. Louis policewomen just made a trip to New York City to research their female rape squad. St. Louis, we are told, will make a special effort to interview victims promptly. Police officers in St. Louis have started referring rape victims to the privately organized Rape Crisis Center and the Department is fully cooperating with the Center.

St. Louis has a 1.4 rape victims per day. To establish an all-female unit around the clock would take eight officers. This is expensive and as a result the police board took no action at their board meeting late in September. The board is now considering training women officers assigned to other functions and having them available at all times. While we prefer an all-female unit exclusively for the benefit of rape victims, we can sympathize with the economics of the situation. However, irrespective of the structural setup, such female officers should always be available and victims should be informed of this immediately. We were assured that this will be the case whatever arrangements are made.

In Chicago, a City Council committee is considering a proposal to establish an all-woman police rape investigation unit. Going beyond proposals in St. Louis, Ald. Roman Pucinski has suggested that women prosecutors and judges be assigned to handle rape cases.

The new all-woman units will assure rape victims that they will be believed and that they will not be embarrassed.

Slow wheels of justice

Justice delayed is justice denied. Well, not quite. There is a deep satisfaction in seeing civil rights and liberties upheld in court. But unlike in damage suits, the initial breach of law can never be fully repaired. Here are a few cases in point:

- On August 30, 1973, the U.S. Court of Appeals ruled that peaceful protesters were denied their constitutional rights by the Chicago Park District officials, who refused them permission to hold a rally before the 1968 Democratic National Convention. The officials showed a bald abuse of authority, said the judges, when they failed to act promptly on the request to hold a peaceful rally by the Coalition for an Open Convention.
- The U.S. Eighth Circuit Court of Appeals has ordered that a former associate professor of political science at the University of Missouri at Columbia be reinstated and given back pay. Dr. Patrick T. Dougherty was discharged in February 1971 after protesting the participation of the school's marching band in the 1970 Fall Festival Parade (the former Veiled Prophet parade) in St. Louis by lying down in the streets. The professor considered the parade racist.
- The U.S. Supreme Court ruled this spring that universities cannot impose free speech regulations on students if those regulations are stricter than the First Amendment. In February of 1969, Ms. Barbara Papish and two other students were arrested for selling copies of the "Free Press Underground," a student paper distributed since 1965 at the University of Missouri Student Union at Columbia. Prominent on the paper's cover was a cartoon which showed police raping the Statue of Liberty and the goddess of justice. Earlier the paper had been harassed by campus officials and the local police. Three students were fined $50 and Ms. Papish, who had been working on her master's degree in journalism, was ultimately expelled by the University in June 1969.

In reversing the appellate court decision, the majority Supreme Court decision stated that colleges and universities "are not enclaves immune from the sweep of the first amendment." Ideas on a state university campus cannot be routinely censored by citing "conventions of decency." The court declared "The First Amendment leaves no room for the operation of a

Note on updating, additions, and on entering our eleventh year

As our readers know, particularly our long-suffering librarians, the date in FOCUS/*Midwest* and the actual date when issues were published did not necessarily agree. As of this issue, we are pleased to report, the date of publication, official and actual, will be the same. We appreciate the cooperation of postal authorities in making this possible.

The number of issues received per year of subscription (6/1 yr., 12/2 yrs., etc.) was never affected by the past irregularity of our publishing schedule. Subscribers were only billed after receiving their full quota of issues.

As we enter our eleventh year of publishing, we can now look back upon many events which were directly effected by or originated with FOCUS/*Midwest*. Our major circulation is in Chicago, Kansas City, and St. Louis. Our effectiveness, however, is not confined to the urban areas but has been statewide. Sometimes we are able to play a role beyond the usual tasks of a bi-monthly magazine. During the recent newspaper strike in St. Louis, the typesetting facilities of the magazine were put to use in providing St. Louisans with their only metropolitan newspaper, the thrice-a-week *St. Louis Today*, during the first two weeks.

With this issue we introduce a new column: Missouri Politics by O. C. Karl, our correspondent in Jefferson City. In the next issue, we will add a column on Illinois Politics. Complementing our "Out Of Focus" column will be a new column "Coming Into Focus" which will also start with the next issue. The column will highlight people and organizations, issues and campaigns, situations and developments which have their locale in Missouri or Illinois and which make the workings of democracy more effective. Democracy, here, we understand in its broadest terms, culturally, socially, and politically.

We hope that you will stay with us in the years to come.

Editor

dual standard in the academic community with respect to the content of speech."

The University was ordered to reinstate Ms. Papish and grant her any course credits earned by her during the semester of her expulsion. (Three of Nixon's four appointees were the dissenting judges.)

While it is heartening to note that in every case traditional American values of freedom of speech and assembly were upheld, the victims of the initial repression are the actual losers. In Chicago heads were cracked and the political process subverted. Dr. Dougherty's academic career and Ms. Papish's study were interrupted. In the evolution of our system of laws, this may be considered a small price to pay. We just wonder how much comfort this knowledge is to the victims that they understood the American system of law better than the petty officials they had to confront and put into place.

Growing boycott of Farah pants

The Farah Manufacturing Company has become the target of a strike since May 3rd of close to 3,000 workers. As one of the largest pants manufacturers in the country, serving department stores and men's specialty stores, Farah has failed to change its policies on a variety of issues – its refusal to recognize unions, the average hourly starting wage of $1.70, and racial and sex discrimination on the job.

The Company's eight plants include one in New Mexico and seven in Texas. The majority of Farah's ten thousand workers, 95 percent of whom are Mexican-Americans, are women. Within a month of the outbreak of the strike, more than two dozen workers who had joined the Amalgamated Clothing Workers union were discharged, first several in San Antonio, then others in plants in El Paso and Victoria, Texas. While the National Labor Relations Board of the 23rd Region ruled against Farah's unfair labor practices, insisting that the Company rehire the discharged workers and grant them back pay with 6 percent interest, the Company continues to crudely exploit its employees and abuse those on the picket line. Over 800 of the strikers have been arrested despite the lack of violence and unlawful activity.

To further harass the strikers, the Company obtained a temporary injunction in Texas which requires picketers must remain 50 feet apart at all times. This provision prevents the formation of normal picket lines. Despite the ruling of a Federal court that the Texas mass picketing law is unconstitutional, the state court has refused to modify the injunction in any way. In addition, the Farah Company utilizes armed guards accompanied by vicious police dogs to intimidate the workers.

In support of the Mexican-American employees of the Farah Company, many civic organizations and prominent citizens such as Senator Edward M. Kennedy, Senator George McGovern, and Senator Gaylord Nelson – to name but a few – have endorsed the strike and pledged assistance.

Meanwhile the ACWA has launched a nationwide boycott of Farah pants, which includes the informational picketing of retail stores, demonstrations of support in many major cities, and efforts to coordinate campuses for the boycott in St. Louis, Chicago, Kansas City, and elsewhere.

Harold Gibbons

Whatever reputation the Teamsters may have in other communities, thanks to Harold Gibbons they are held in high regard in St. Louis. This includes even the ultra-conservative *St. Louis Globe-Democrat*. Gibbons' dedication to social causes, his opposition to the war, his involvement in the local community, and his commitment to honesty are rarely found in combination.

Unlike the rest of the national Teamster leadership, he refused to sheepishly follow Teamster General President Frank Fitzsimmons in endorsing Watergate Nixon, Gibbons endorsed McGovern. This assertion may not have been decisive, but it contributed to his replacement as president of the 15-state Central Conference of Teamsters, membership on the union's executive board, president of the St. Louis Teamsters Joint Council, and secretary-treasurer of Teamsters Local 688.

Among the many comments, we thought that the following excerpts from an article in *Commonweal* best describes our sentiments.

"As Hoffa's house intellectual, he came under the McClellan probe equally, although he has been as different from Hoffa and Fitzsimmons as a 360-degree turn. He is well read and socially minded, and the Teamster apparatus in St. Louis has reflected his outlook: One of the first locals to establish health care centers, its Labor Health Institute today is one of the finest in the country. The St. Louis Teamsters stewards meet monthly and have enjoyed veto power over Gibbons and other officers, and the union has a unique community and political action setup which few other unions could rival. Its weekly newspaper has had some of the most thoughtful labor journalism ever printed. Last year the Teamster headquarters in St. Louis played host to 1,000 labor doves – a sore point for Fitzsimmons, who had been portraying a solid front of Teamster support for Nixon's Vietnam policies.

"At the Teamsters' executive board meeting it was Gibbons alone among the board who refused to make it unanimous for a Nixon endorsement, and as the Colson memo was to say, he was to become 'an all-out enemy, a McGovern person.' Last year Gibbons was among four trade union officials who visited North Vietnam, but all this might have been forgiven: it was his presence as a 'Hoffa man' which accelerated his removal from Teamster leadership.

" 'The greatest tragedy,' says a former Teamster staffer at their million-dollar Washington headquarters, 'is not that there are union officials who deal with the Mob and obvious kick-back operators, but that there is absolutely no interest in using the Teamster millions and muscle in lobbying for legitimate priority interests of its membership – tax reform, national health insurance, pension reinsurance, and occupational safety laws."

Gibbons is a man who dealt with such issues.

The making of a fuel shortage

The Federal Trade Commission has lodged a complaint to try to break up our country's eight largest oil companies – Exxon, Texaco, Gulf, Mobil, Standard Oil of California, Standard Oil of Indiana, Shell, and Atlantic Richfield (ARCO) – and for good reason. The summer of 1973 has been a time of high prices for gasoline and other fuel products, actual fuel shortages in some areas of the country, and the closing of some

independent marketers of petroleum products. All this comes during a time when the profits of the suspect oil companies have ranged to 50 percent and higher over the comparable period of last year, with their assets as of last Dec. 31 totaling 75.8 billion, and their 1972 sales totaling $61.5 billion. The industry has just closed its most profitable quarter in April, May, and June.

Senior officials of virtually all of the eight companies like to view the situation as simply a case of capacity not meeting our growing needs for fuel. They cite as problems a shortage of refinery capacity, their uncertainties of government controls over crude oil imports and cutbacks in the sale of crude oil by some major foreign producers. The FTC sees the situation differently, accusing the oil companies of outright refusal to sell petroleum products to independent marketers, and further preventing competition by such means as the exchange of crude oil among themselves to save transportation costs when their wells are closer to other companies, but never offering the oil to independent marketers. The FTC complaint states that the companies are maintaining and strengthening a noncompetitive market structure in the refining of crude oil into petroleum products.

The relationship between the government and the oil industry must change to solve the fuel problem in any long range way. Like many other agencies, where the regulated and the regulators are on the best of terms, executives from the oil industry often head up government agencies and predictably return to the industry when they leave the government. One such example is the Director of the Office of Oil and Gas in the Department of the Interior, Attorney Duke R. Ligon, who came from Oklahoma and Continental Oil Company.

This particular agency happens to be in the position of collecting information that forms the basis for federal policy; thus it has been the oil industry's statistics and studies that have been the foundation for the nation's oil policies.

Another illustration of the coziness of government and industry is the alleged contribution of Robert O. Anderson of more than $100,000 to Nixon in 1968. It was no surprise that Hickel, subsequently chosen by President Nixon as his Secretary of Interior, was quite cooperative when Atlantic Richfield discovered a fabulous oil source in Alaska.

The hopes of the oil companies for profits in the Arctic play no small part in today's fuel shortage. Oil experts think that there is a reservoir of recoverable oil in the Arctic Islands of at least five billion barrels, worth at least a half a billion dollars after all expenses. Secretary of Interior Hickel projects that 100 billion barrels of oil could come out of the Arctic, and the International Petroleum Encyclopedia of 1972, an industry publication, projects even far more potential for oil and natural gas than that.

As a result, oil companies are clearly anxious to eliminate any moves of environmentalists to restrict their efforts to "stake out" the Arctic with pipelines. A public intimidated by apparent shortages of fuel and criminal prices is not likely to remember the value of untouched tundra and healthy caribou.

The time has come for the government to intervene in the public interest and take control of our nation's energy sources, as it has stepped in to other areas of national importance, such as our nation's railroad system. The potential for profit in the oil industry is itself a compelling reason for the government to regulate where the money should go, channeling resources to build up mass transportation systems which will ultimately reverse our excessive use of fuel, and decongest our cities. Failure to make such a change will help to fulfill *Newsweek's* prophecy of gasoline at $1/gallon by the end of this year. Yet, a government of Nixon-appointed officials who have been courted by, if not actually drawn from, the oil industry is not going to make this change of its own accord.

The incompetence of private management has drawn the government directly or indirectly into participating in, if not taking over, private businesses. The Small Business Administration is on one end of the spectrum; Congress itself is on the other end and cases such as Lockheed and the railroads come to mind.

In these cases no complaints were heard. If government is permitted to take over private businesses which operate at a loss because they are ineptly managed, why shouldn't government be permitted to take over private business operated at a profit because it is ineptly managed – such as the oil industry?

The distribution of energy is as important as our transportation system. We cannot think of one rationale why the one should be left in private hands and exploited while the other is in public hands and subsidized.

Under the present system abuses abound. In St. Louis, more than forty Gulf stations were closed down upon the edict of the chief movers at Gulf. Station managers with many years in the business, some of them advanced in years, were thrown out of their livelihood with only thee days notice. (None of the St. Louis papers took any notice.) Whatever the reason for this sudden decision – and it was sudden because we know one leased station where Gulf had invested more than $40,000 in renovation just months ago – it was not taken in the interest of the employees or the residents of St. Louis.

It was always clear that the supply of energy is a prime determinant in shaping foreign policy. This has not been a major concern to most Americans. But now that this supply may also affect our Sunday drive to the ballpark, the control of energy in general and oil in particular has become a critical issue. Great.

Mikulski Commission decides future of the Democratic Party/

MARVIN MADESON

The recently concluded Democratic Party delegate selection hearings point up dramatically the changeability of political roles. For it is the reformers of 1968-1972 who are the status-quo'ers of today, with the standpatters of the recent past now cast in the role of neo-reformers.

It must be emphasized that the delegate selection process, which ends in the nomination of a political party's presidential nominee, is an exclusionary, adversary proceeding. Many more people covet delegate status than can be accommodated in the largest convention center: more than one well-qualified individual seeks the nomination. Thus, the most that rules can do (and it is no inconsiderable achievement) is to reduce and delay the inevitable abrasive conflict. If the Democrats can do this, their chance of emerging from their Convention more unified than heretofore will be enhanced, although by no means assured.

The hearings were continuous skirmishes between the liberal and centrist forces. Barbara Mikulski, head of the delegate selection commission, recently named a 17-member task force to prepare rules for the 1976 convention. The body, too, came under attack. Concerned about the warring factions, Democratic National Chairman Robert S. Strauss appealed for compromise.

Liberals Favor Direct Participation

The philosophy of the liberal or N.D.C. (New Democratic Coalition) position is that the future rules should continue to encourage direct *participation* in the delegate selection process by members of all groups. Furthermore, all principal groups (men, women, youth, and minorities) should produce delegate strength in some reasonable relation to their numbers in the general population.

The thrust of the centrist or CDM (Coalition for a Democratic Majority) view is that while direct participation is a laudable goal, as a practical matter not all groups are able to participate equally. It is therefore necessary to have assured *representation* of all groups by leaders with ability to deal with each other for the best interests of group members and the Democratic Party.

CDM vigorously attacks the concept of "reasonable relation to population" as a mandatory quota system, repugnant to all who believe in democracy. Curiously, CDM is also promoting ex officio delegate voting status for all Democratic governors, senators and representatives; which to many observers is the purest form of quota yet devised. In addition, CDM wants to reinstate proxies to permit those who leave party delegate selection meetings early to give their proxy vote to one of their number who remains. This is preferable to permitting proxies from those who do not appear (as was the case before the 1972 rules), but the opportunity for undue influence by a few power brokers is obvious. If the length of important party meetings serves to limit attendance, methods to streamline and shorten meetings can be devised without concentrating power in fewer hands.

Claim Rules Lost Election

Many who testified gave the impression that the 1972 party rules lost the last presidential election, not George McGovern. Implicit in this thinking is that there must be something wrong with rules that result in a McGovern type candidacy. Others counter that the rules were not tested fully in 1972; that several powerful blocs, including organized labor, did not make a real attempt to understand and use the new procedures. It is not tenable, for example, to lay Senator Muskie's crushing Florida primary defeat or the total failure of Mayor Lindsay's candidacy, on party rules. Yet the search for a simple solution that salvages one's political reputation after the Democratic presidential debacle of 1972 goes on.

An important question remains unanswered. What is the political impact of Commission action? Suppose that the Commission were to recommend ex officio voting status for certain party officials. The overwhelming number of these party officials are male and over 30 years old; a proportional preponderance are likely to be from the South and to have more conservative tastes than the Democratic Party as a whole. Would not the Commission then be departing from consideration of fair and open procedure and be revamping political power and control instead?

Mikulski Commission

Despite this and other potential problems, the Commission and its staff is hardworking, aware of its responsibilities and reflective of all viewpoints. It will not be a rubber stamp body and the results of its hearings and deliberations cannot be predicted. Under the dynamic leadership of Barbara Mikulski, a member of the Baltimore City Council with no national reputation until now, one gets the feeling that the Mikulski Commission is united in its desire to dispel the friction of the past.

A further question remains. What if the Commission decides that the 1972 rules are substantially sound and suggests that little or no change be made? Will the Mikulski Commission have sufficient prestige and influence within party ranks to make such a recommendation stick, or will party chairman Robert Strauss and other Democratic National Committee members continue to seek other delegate selection standards? Time will tell.

What to expect from

Chief Kelley

WALT BODINE
INTERVIEWS
SIDNEY WILLENS

Sidney Willens, Kansas City attorney, had many dealings with former Kansas City Police Chief Kelley. Willens represented citizens who were mistreated by the police. In his efforts to obtain a fair settlement, Willens came to know Kelley well. Willens is a native Kansas Citian, is a practicing lawyer and member of the law firm of Tucker, Charno, Willens, Jouras & Tucker. He is chairman of the Commission of the Office of Human Relations and Citizen Complaints of Jackson County, Missouri. He is one of the few persons in the U.S. who lobbied for transplanting the ombudsman concept to the United States from the Scandinavian countries. He is also the author of legislation to establish a state ombudsman and a prime mover in the establishment of the Police Office of Citizen Complaints in Kansas City. In this exclusive interview, Walt Bodine questions Willens on what America can expect from Kelley's F.B.I.

BODINE: *Clarence Kelley is now Director of the F.B.I. How do you feel about that?*

WILLENS: Well, I'm certainly proud to know that our city benefitted by the selection. It certainly was a plus sign for our city. To that extent I like it. And I also find some degree of satisfaction in knowing that the man I have been dealing with over the years is now head of the F.B.I. I have found Clarence Kelley a very charming, very personable human being and he has certain qualities that I have liked. . .

BODINE: *Such as?*

WILLENS: Well he does indicate compassion when he is talking to you. But that same compassion, I must say, sometimes spills over to some of his men who do not deserve it. When you have a "compassionate" man in power you can find sometimes that the tail wags the dog.

BODINE: *It has been my judgment that no one wags Clarence Kelley. A lesser man as police chief of Kansas City might feel very much under the gun politically. He must work for a police board appointed by the Governor. That could be pressure. He needs things from the Legislature. He is dependent for money on the City Council. There is plenty of room here for the political strong arm on the chief. What about Kelley in that respect?*

WILLENS: Well it is an important question. The experience with L. Patrick Gray – who proved vulnerable to power politics – emphasizes that. Does Clarence Kelley stand off political intrusions? The answer is, unquestionably, yes, he does. I am talking about "Politics," big politics, with a capital "P." ***In the lesser sense, departmental politics, it is a different story. He does play that well and effectively.*** But going back to the big politics: he's on record as telling a legislator who was handling some legislation very important to him – and who sought to sell cooperation in return for Kelley promoting some of the legislator's favorites in the department – to go to hell.

BODINE: *Then you could count on Kelley to be good at resisting pressures from above? Does that go for all kinds of pressures?*

WILLENS: No, and that's the funny thing about Clarence Kelley. If I had to put it in a nutshell, I would say that while he can withstand pressure from the top, ***he does not do all that well at withstanding pressure from below.*** Where most people might cave in to people above them on the organizational chart, Kelley may at times cave in to the mass pressures of those below him.

BODINE: *Yes, but isn't being tuned in to the rank and file people below you a pretty good procedure – at least for morale?*

WILLENS: Now you've said the key word with Clarence Kelley. *Morale.* In dealing with him I used to think sometimes, in exasperation "Morale, Morale, that's all this man ever thinks about." In truth, I don't know anything he was more consistently concerned with. I can remember him saying to me, "You haven't been in this position Sid. But morale is vital to successful police work." ***But what happens when morale collides with simple justice, when a citizen has clearly been abused and there is a police officer at fault – and when correcting or punishing that officer is going to be viewed with resentment by other policemen?*** That's where I parted company with Clarence Kelley several times.

BODINE: *That's a serious criticism: you had better be more specific. Can you cite such an instance?*

WILLENS: All right. Let's go back to the celebrated Claude Bailey case – which was written up in *FOCUS/Midwest* in its special police issue in 1968. (Vol. 6, No. 40) Now there was an abused citizen. He was brutally beaten by a police officer while he was handcuffed. He sustained permanent injuries; he was hospitalized. Here is what happened.

Clarence Kelley and I conducted a joint investigation over a period of three months. We shared, literally, all our factual material as we collected it. Clarence Kelley was decent in his approach to the fact-finding process. In that three months investigation I found four eyewitnesses and submitted them to Kelley, who, in turn, sent the Internal Affairs Unit out to meet those witnesses and confirm the facts I had gathered.

I assumed that after all this overwhelming evidence was produced, the next logical step would be that the Chief would ask for the officer's resignation. That seemed not only logical but desirable to me, because otherwise there would have to be a public hearing. That was at a time when police relations with the black community were very poor. I was convinced a public hearing would only exacerbate the situation between the blacks and the police.

But when we arrived at the point of decision, Clarence Kelley told me, "I am sorry but this man, under law, has a right to a public hearing." There was nothing said during that three months – but I had assumed that if the facts came out as I had already discovered them, and were proved to Kelley, he would ask the officer to resign.

So I brought it up and Kelley said that as a matter of fact he had asked the man if he wanted to resign. I couldn't believe that the Chief exerted much pressure – because it is difficult for me to believe that a man would remain in the Police Department if he felt the police chief didn't want him.

But you see what happened then. By going to the public hearing, Kelley shifted the burden. Because in the final outcome it was the Board of Police Commissioners which took the action of discharging that officer

That's what I mean. ***A police official who is compassionate, who is personable, when he gets into a crack he – maybe understandably although I can't agree with it – shifts the burden of responsibility to someone else.*** He, in this case, delegated it to the Police Board.

BODINE: *But what about this; one of the reasons the President has chosen Chief Kelley for this job is that the morale of the F.B.I. needs to be restored. You remember the morale of the Kansas City Police Department was low when Kelley took over and he built it up. Now isn't it sound*

Clarence Kelley has an uncompromising attitude towards crime and corruption but appears to lack the initiative to take corrective action against his own men, based on morale, unless the public demands it.

psychology for him to prefer letting the Police Board fire that man, so the Chief could still be free to be the champion of his officers?

WILLENS: That's true. I recognize this is a problem-solving technique commonly used by Presidents of corporations in dealing with supervisory personnel. But, I say, you can assume that Clarence Kelley could have asked this officer to resign. Had this man been put in this position, so that he felt uncomfortable, the man would have resigned. But this man did not want to resign and Clarence Kelley did not want to make it so uncomfortable for him. I suppose the discussion was, "Well okay, if you don't want to, you have a right under the law. . . ," although Clarence Kelley knew that this young man had beaten this man Bailey unmercifully while he was lying handcuffed on the streets of Kansas City. It was a technique that had some wisdom to it, shifting this burden, I would say, passing the buck, to the Police Board.

BODINE: *Actually, what harm did it do? The final result was the one you sought.*

WILLENS: Well, it did do some harm. At least to the Board of Police Commissioners. You must understand that policemen have an in-group loyalty that can't compare to any other that I know. And the wrath of these policemen was turned against the Police Board. Shortly thereafter the Board President, Al Thompson resigned. And I will always think this had a lot to do with it.

And that wasn't all. Let me tell you how bad it got. There was a second officer in the case, who was involved but not so deeply, and the Board gave him a fifteen-day suspension. Policemen ended up donating to a fund to pay the wages of the suspended officer. Now that negates the penalty, doesn't it? Instead of a fifteen-day suspension his fellow officers made it a vacation with pay. Kelley's concern for morale was so great that he did not want to take a stand against the contributors; he just let them do it. And the policemen bragged about what they were doing and this was publicized.

BODINE: *Did this change your feelings about Clarence Kelley?*

WILLENS: Well I learned from it. C. M. Kelley is an adroit man. ***I have told him more than once that fighting him is like fighting the wind. He is able to agree with you and he is able to understand – without question – understand the import of what you are saying. But then sometimes after you have had the discussion, he will find himself in the position of having to walk the tightrope that he must walk as police chief.*** He has to make a value judgment on what you've recommended. Even though he may see the wisdom

of a suggestion he has to walk this tightrope and find some rational basis to say "If I implement these procedures I will demoralize the men."

Again the word "morale" is the pivot word with him. And I would have to add that this is true of many police chiefs I have visited in this country. Confront them with a sensible and valuable recommendation on how to professionalize policemen and the response will always be, "What will it do to morale?"

BODINE: *Well again, can you give me a specific instance of a recommendation of this sort based on your experience with Mr. Kelley?*

WILLENS: Let's take the idea of an Office of Citizen Complaints. For nine months I met with him or his staff and we talked about the O.C.C. and he said, it made sense. But he only adopted it when the pressure built up. Pressure in the community and pressure from news media, particularly from articles in the *Kansas City Star.* And then he buckled and he accepted the idea. He not only accepted it, but he spent $40,000 to install it in an office building in downtown Kansas City. ***And yet, I am convinced, he really didn't want it because he felt it would result in lower morale among the police – who certainly didn't want it at all.***

BODINE: *Well there is such a thing as an idea whose time has come.*

WILLENS: I suppose. I can tell you this. ***Clarence Kelley is an expert in public relations.*** He can recognize the timing of a thing. He knows when to bend before a community tempest, just as the supple willow bends before the storm and thus withstands its fury more readily than the stiff unbending oak. And that is what happened here. He had to weigh the balances. He had thirteen hundred men on the police force and he had a whole community up in arms, complete with press coverage. So he gives in. . . to a degree.

BODINE: *Yes, but you did get the O.C.C.*

WILLENS: He did set it up, yes. But time passed. And later when the tempest died down – and the public wasn't giving it a lot of attention anymore – the Police Department set to work, adroitly, to emasculate the office.

BODINE: *Hold on; you are saying "the department." Does that mean Kelly?*

WILLENS: I will just say the department. I don't know to what extent Clarence Kelley influenced the decision. Draw your own conclusions. ***All I can tell you is that once the O. C. C. was in business there came to me many complaints saying the O. C. C. was still too close to the Police Department. I know the Police Department was manipulating it.***

Clarence Kelley is an expert in public relations. He can recognize the timing of a thing. He knows when to bend before a community tempest

What happened next was that the City Advisory Commission on Human Relations held some public hearings, three of them. And then they issued a beautiful report. They recommended that there should be a director who was full-time, not part-time – and independent of the Police Department. The director was a former police chaplain who had a close liaison with the Department in the past – so he wasn't independent at least image-wise.

Time passed after that and then the day before Governor Bond was inaugurated the Department through a general order, which I think was signed by Kelley, announced publicly some "O. C. C. changes."

BODINE: *That was in January of this year.*

WILLENS: Yes. Those changes totally defied the spirit and letter of the Human Relations Commission recommendations which were for more, not less, separation of the Complaint Office and the Department. Instead they were brought closer together.

As it had been set up the office was supposed to recommend discipline to the Chief. The O. C. C. would gather facts and then make the recommendation to the Chief. But now, under the changes the O. C. C. does not make the recommendation; instead men at the accused officer's police station make the recommendation.

Now again, look at the timing. This is recommended one day before a new Republican Governor is sworn in. The old police board with whom the Chief has good rapport is due to be replaced . . . so the system is locked in by the announcement of the changes, before the new board takes office.

BODINE: *This is a serious matter. Do you think it was formulated by Chief Kelley or was it just something that emerged from the great apparatus of the Police Department? You know the man, what do you think?*

WILLENS: I would say no, it was not Clarence Kelley. He has become very popular throughout the country and spent a great deal of time out of town. I would guess that he sent the matter to the Research and Budget Department, or to somebody under his command anyway, and said "Well how are we going to handle this?" I do not think that he sat down with them and in any way diabolically contrived this. As to the men who did make the decision they probably approached it from a substantive one. In any case, I don't think you could ever nail down Clarence Kelley and say that he, himself, did this diluting of O. C. C. effectiveness. ***But you do have to say that he, subsequently, approved it.***

BODINE: *You said a minute ago that Clarence Kelley was popular around the country. What was the reason for that?*

WILLENS: He has developed an excellent reputation among policemen throughout the country. The computers are a big thing. Visitors from all over the world have come to the Kansas City Police Department to see this computer in operation.

BODINE: *Do you see the computer as . . .*

WILLENS: *As a benefit?* Well, yes. And it did take some vision to see, as he did, the application of the computer to the work of the patrol car in the field. And of course there have been other things; the helicopter patrol is one. I don't know if it is as good as was thought at first. Some observer now think it is more of a fad.

But the computer is less dubious. It is effective, albeit, it is a little scarey. I remember about a year ago I was in circuit court and had an officer on the stand and he testified, "The computer said this . . ." And what it said was the basis for the arrest. I said to the Judge, "Your Honor, I object to this and ask that the answer be stricken because I can't cross-examine a computer."

Those things can happen. A computer has no brain. It's like the ones that send you a credit card and you don't want it and you write and say so and it sends you another credit card. But put that aside. Kelley's use of modern techniques such as these, helped make his national reputation.

BODINE: *Now let's change this a bit. All of us remember what J. Edgar Hoover was like. And you know from personal experience what Clarence Kelley is like. I'd like to ask you several questions about Director Kelley the man. If you can give me some measurement of him against the Hoover yardstick. Or, if you can't, just on Kelley himself. I'm looking here for a man-to-man evaluation, putting aside any past differences over particular matters.*

Let's start with authoritarianism – which is said to run a little stronger in the blood of many policemen than in the rest of us.

WILLENS: Measured against what I know by reputation about the late Mr. Hoover I would say Director Kelley is less authoritarian. ***At the same time, I would say that like Hoover he will retreat into silence whenever there is a chance of police weakness or wrongdoing being exposed. I think he will be as concerned as Hoover was about the reputation of the F.B.I. J. Edgar Hoover had a self-centered concern for his own reputation. I think Clarence Kelley might have that tendency.***

BODINE: *Mr. Hoover leaned pretty well to the right. So how would you rate Mr. Kelley as to liberality?*

WILLENS: I would say whatever liberal impulses Clarence Kelley has could perhaps be greater than Hoover's impulses, perhaps, but they still would be subordinated to the morale question.

I think Kelley is a reflection of the police ethnic in any case. ***And that means he will not be one to take a strong lead in reversing this thing we've been talking about all this time.***

BODINE: *I take it you mean: don't expect him to be a reformer.*

WILLENS: Well, again, he's hard to nail down. He will, maybe. Take the black policeman in Kansas City. There is no question he has made a sincere effort to get black policemen. ***But at the same time some of the black officers who are on the force are subjected to some indignities.*** So you get back to that balance; should I fight for the right of the black policeman. For example, three black patrolmen have been in my office in the last month, discharged from the force. I don't have all the facts yet but one, for example, received his discharge with no explanation or anything. Now here is a case of Clarence Kelley getting a few documents on his desk and recommendations about them. He didn't make any effort at independent investigation. He could already see which way the wind blew, I guess. Maybe he saw, from the record and the file that these black patrolmen shouldn't remain. But on the other hand these were such abrupt, summary dismissals, it seems to me he should have announced an independent investigation . . . if he is sincere that he wants to attract a lot of black policemen.

BODINE: *You seem to be charging that it is very hard for a white cop to get fired and very easy for a black cop to get fired.*

WILLENS: I'm beginning to believe that's true. I went before the Police Board a year and a half ago about a black patrolman that was fired. It was all done very quietly without the press – the patrolman didn't want a lot of publicity. And I discovered, lo and behold, that the other patrolmen, who were white, filed their complaints against him within a period of time when the Police Officers Association was being formed here. My client didn't want to join. Now when I showed the Board the basis for the complaints they immediately reinstated the officer. ***Clarence Kelley could have discovered and documented all this. He could have handled it all on his own, but he left it again to the Police Board to make the decision.***

BODINE: *Back to the general impressions; does he have a sense of humor?*

WILLENS: Oh yes. Clarence Kelley is a warm human being on an inter-personal you-and-me basis. But he can be bureaucratically inhumane.

BODINE: *Then, to you, there is a distinction between the institutional Clarence Kelley and the individual Clarence Kelley.*

WILLENS: Yes. You know I have been asked by everybody in the country: *Time* magazine, wire services and others, and I've avoided these calls. I did make the statement that Clarence Kelley has an uncompromising attitude towards crime and corruption but appears to lack the initiative to take corrective action against his own men, based on morale, unless the public demands it.

BODINE: *Let's distinguish between the kinds of things he would react to. A policeman who was into crime and corruption would be one on the take, or who gets payoffs at the whorehouse or who burglarizes a little. On the other hand, you have the cop who is guilty of insensitivity, or over-reacting, or going beyond the bounds in physical response. Tell us about these two types.*

WILLENS: Clarence Kelley has said you have to distinguish between actions of the head and actions of the heart. If a policeman is on the take, that is a deliberate and calculated thing. That is something he won't stand for; he will remove the man. But the actions of the heart . . . the emotional things . . . he is apt to be more "understanding" there.

BODINE: *To wind up, are you – when you total it up – glad to see Clarence Kelley as F. B. I. Director?*

WILLENS: For the reasons I mentioned before, yes. But there is a qualification. One of the reasons President Nixon picked Chief Kelley was that he was a career officer of excellent reputation and a former F. B. I. agent. Now that is vertical entry into the job. I think we need to see some horizontal entries into the leadership of the law enforcement field. There must be a way of injecting into our law enforcement system more civilian influence. We need to bring in new blood.

BODINE: *Does it help any to bring in civilians? Consider the Police Boards. They are all civilians. And yet they very soon begin to become very cop in their attitudes; the Police Department changes them more than they change the Police Department. What about that?*

WILLENS: You have to understand that the Police Commissioners earn $200 a month and they are men who have other jobs. The Police Board has never seemed to have much control over the Department here as required by the statutes. The Police Chief is hired by the Board, presumably to execute the decisions of the Board. But, in fact, the Chief generally decides the course of operations and periodically requests the Board to confirm the determinations made by him and his command staff. Thus the Board is relegated to an advisory and legitimizing function. And that is substantially different from the role of policy maker and guardian of civilian interests contemplated by Missouri law. This accounts in part for the deterioration of the Office of Civilian Complaints. So you cannot be any better than your information. Police Commissioners who meet periodically and are fed information by policemen, while it may be accurate, nevertheless is presented in such a way that the Board tends to legitimize it. There is a feeling among all of us, including myself, that we need policemen. And, therefore, I find myself walking the same tightrope as Clarence Kelley. The difference between us is that he leans too far in my judgment toward his own men in the name of morale.

New Complaint Procedure Draft after five-year battle to change police rules/ STAFF REPORT

At this time, St. Louis County, St. Louis City, and most of the one hundred or so municipalities in the County have no established complaint procedures which guarantee the rights of the complainant, the accused, and are accepted by the public as just and equitable.

A group of concerned citizens has been laboring for more than five years to alert responsible police officials to the importance of this issue. Disputes between the public and the police frequently concern the handling of grievances. Cooperation, trust, and pride in local government are to a large extent a reflection of police behavior both on the beat and by administrators.

While the group had met with no success in the past, the appointment of Theodore D. McNeal as president of the St. Louis Board of Police Commissioners raises the hope that the procedures will be revised in the near future. They are presently under review.

In St. Louis County, FOCUS/*Midwest* was informed by Norman C. Parker, chairman of the County Board of Police Commissioners, that the adoption of complaint procedures will definitely be on the agenda within the next two months.

City Procedures

Open hearings and civilian participation, experts generally agree, are essential to a fair procedure.

Dr. William M. Landau, member of the Board of Trustees of the American Civil Liberties Union of Eastern Missouri and a principal advocate of reform in police procedures, emphasizes, "The key to any system that works is the abolition of secretiveness. No secret system, however carefully designed, can escape valid indictment that it may prejudiced against citizens in favor of all policemen, or prejudiced against particular individual policemen."

He explains, "The judgmental function must be separate. The hearing body, including an officer who may be authorized to conduct informal summary hearings if both parties agree, should have independent authority to order further investigation if the original report is unsatisfactory. For formal hearings there should be testimony under oath, right to counsel and cross-examination, and a permanent record of the proceedings. The report about the complaint should resolve its validity. Basing his action upon this report, the Police Chief should determine disciplinary action and/or final disposition. Finally, there should also be a right of appeal to the police board, based upon the hearing record, by either the complainant or the accused.

On the composition of the hearing body, Landau strongly recommends that the committee be chaired by a civilian attorney. "Even a hint of possible prejudice in the conduct of a hearing would undo its primary purpose. The proper conduct of such a hearing in order to insure that all avenues of information are properly explored requires a semblance of professional judicial function for which lawyers are well trained. By contrast even the best professional police officer does not have the expertise for this function any more than does a professional physician. Since the police officers are to make the substantive judgment, both the image and the operation of fairness would be best served by having a neutral non-voting lawyer conduct the hearing."

At present, both in the City and County, no hearings are held on citizen's complaints, nor even any formal review with the complaining citizen about the result of the investigation.

The Bureau investigates all complaints where immediate action is required. In serious complaints and, in so far as possible at the judgment of the Inspector of Police, complaints of a minor nature will be investigated by its Internal Affairs Division.

Final disposition follows after the investigating commander submits a report and "recommendations through the proper chain of command."

At least, unlike in Chicago, complainants are informed of the outcome of their complaint. Indeed, they are kept informed if the investigation requires longer than the normal time. (Normal time may run into several months.)

Ms. Salees Seddon, recently appointed police commissioner, acknowledged that hearings are not now available to citizens, "The only recourse for the complainant is to take the issue to court."

County Procedures

About three years ago, a group of citizens submitted a draft of a complaint procedure to the County Board of Police Commissioners. Nothing was heard from the Board for more than two years until a revised draft was circulated by the Board to members of the original committee in February of this year.

Parker now expects the Board to act on the procedures within the next two months. The revised procedures, actually the seventh or eighth revision according to Parker, have dropped the requirement for a civilian as chairman of the hearing. When asked for comment, Landau said that he could "live with this revision only if the Complaint Review Board conducts *open* hearings." Requirements for an open meeting was retained in the revised county procedures. However, the Police Superintendent can decree a closed session. Since active collaboration by the police is required

whatever the written procedures proclaim, Landau feels that public pressure will keep the Superintendent from exploiting this loophole.

The recommended procedures, explains Landau, are not to hamstrung the police nor to limit their legal authority, "The basic goal of police complaint practices is simply *fairness.* What is not generally recognized is what Jules Gerard, Washington University professor of law, and I discovered by interviewing working policemen, both white and black. Their perception of present procedures both in St. Louis City and St. Louis County is expressed with the same vehemence and even the same words as are used by those who are concerned about the rights of offended citizens. It follows that a properly organized system must start with the premise that the accused policemen is innocent until a *predominance of evidence* is accumulated to indicate otherwise. (It should not require a written confession-admission, a TV tape, and three neutral witnesses to prove a complaint.) His rights, both in regard to charges of malperformance of duty, as well as in regard to possible criminal charges, must be zealously protected to the same degree that we expect that policemen should handle accusations of citizens accused of breaking the law.

"I am optimistic that if a fair system can be developed for the two largest police departments in the St. Louis area, there may be some chance of developing a way of handling the much more severe problem of offenses by members of small suburban police departments."

AN INTERVIEW

Parker: *Complaint Procedures will be acted on within two months*

Norman C. Parker, chairman of the St. Louis County Board of Police Commissioners, was interviewed by Ruth Harper of FOCUS/*Midwest* on the draft of the complaint procedures.

QUESTION: *We are interested in the status of the complaint procedures report. What is being done with this report?*

PARKER: We have sent the report out to a number of interested persons and we are waiting to see what the public reaction is. If any of your readers react to this article, I would be interested to hear what they have to say.

QUESTION: *What have the reactions been to date?*

PARKER: It has been some weeks since I have read any of the responses. I am not too brushed up on this.

QUESTION: *Do you recall whether they were generally favorable or critical of the proposal?*

PARKER: The main response we have had that I can remember has been from lawyers. One is a representative of the American Civil Liberties Union and one is mainly involved in criminal law. They were both favorable, as I recall, with suggestions for some minor changes in wording.

QUESTION: *What I have before me is apparently a revised version of the original "complaint procedures." When you sent out these reports, what were the major changes between the original and revised versions?*

PARKER: What you have is probably the seventh or eighth draft of the original version, and this draft is the only one we sent out.

QUESTION: *Do you recall any specific changes that were made in the original version to achieve this one?*

PARKER: The only one I can remember is that the hearings which may be held during the course of the complaint procedures will not include a person from outside the police force, to preside over them. It was our feeling that the police who will preside over the hearings are civilians themselves. (?, *Ed.*)

QUESTION: *Some people feel that it is particularly important that the hearings be open to the public. The way I read the procedures, the hearings would be open. Is this a condition which you support; do you have any personal feelings about it?*

PARKER: I can't recall what the procedures actually say on this matter. Though I shouldn't be held to this, I might conjecture that very often a person who might register a complaint, upon learning that the matter would be open to anyone off the street, might very well withdraw his complaint.

QUESTION: *Do you have any doubts about supporting open hearings?*

PARKER: I am not sure that the hearings inside the Department are correctly procedural if they are open to the public. You know, we have a new policy on keeping secret a person's arrest record, for his own protection, particularly when no convictions are involved. I think a similar matter is at issue, the right to privacy of the accused policeman. Do the proposed "complaint procedures" say anything about this?

QUESTION: *The proposal in front of me states that "Hearings shall be open to the public unless ordered closed by the Superintendent of Police."*

PARKER: Then I am for that.

QUESTION: *You support the procedures as proposed?*

PARKER: I am in favor of what is there.

QUESTION: *Has the Board set any kind of deadline for acting on this proposal?*

PARKER: No, as I mentioned, we are waiting for some public response. One of the problems the Committee faces in discussing these procedures is that they are so darn long. (See two-page reprint of draft in this issue, *Ed.*) When we have a meeting, generally someone has not read them. About four lawyers are looking them over, and they keep coming up with technical changes in wording.

QUESTION: *When did you get the original report?*

PARKER: It has been at least two or three years.

QUESTION: *When would you guess that action will be taken by the Board?*

PARKER: I expect something to happen within a couple of months.

OPENNESS BUT NO CIVILIAN REPRESENTATION

Draft of Complaint Procedures as revised by the St. Louis County Department of Police

I. POLICY

A. It is the policy of the St. Louis County Police Department:
1. To courteously receive all complaints against both the Department and its members and to welcome constructive criticism from any source.
2. To provide procedures which make it as simple and convenient as practical for a citizen to file a complaint, and to fully inform the public how a complaint may be filed.
3. To expeditiously, impartially, and fully investigate all complaints, including those withdrawn while under investigation.
4. To maintain a scrupulous regard for the rights of both citizens and accused Department personnel in complaint investigations.
5. To keep citizens informed concerning their complaints.
6. To encourage citizens to write, petition, and attend meetings of the Board of Police Commissioners regarding matters involving the Department.

II. COMPLAINT DEFINED

A. There shall be two classifications of complaints:
1. Personnel complaint: an allegation that a Department member engaged in misconduct.
2. Administrative complaint: an allegation that a Department policy, practice, procedure, or operation is improper or unsuitable.

A complaint may include an allegation of failure to act as required, as well as an allegation of improper conduct.

B. Each complaint shall be classified when received, and re-classified whenever appropriate by the Inspector or Superintendent of Police.

C. A difference of opinion between a police officer and a complainant in such matters as the issuance of a traffic summons, which would normally be settled by the courts, shall not be considered or processed as a complaint unless the complainant alleges that improper conduct also occurred during the incident.

III. RECEIPT OF COMPLAINTS

A. Any person may make a complaint to any member of the Department.

B. Any member of the Department may make a personnel complaint against another member to his own commanding officer, the Inspector of Police, or the Superintendent of Police.

C. A complaint may be made anonymously, in person, in writing, or by telephone; and it shall be accepted, whether made by an alleged victim, a person who has merely heard of the incident, or by a group of persons or an organization.

D. A person wishing to make a citizen complaint shall be treated courteously at all times and shall not be discouraged from making the complaint.

E. A member to whom a complaint is made shall promptly and at least within two hours, report it to the Internal Affairs Bureau. If the office of the Bureau is closed, the member shall report the complaint to the office of the Superintendent of Police. That office shall transmit the complaint to the Bureau as soon as the Bureau's office opens, but if a complaint is of a grave nature or requires immediate attention, it shall be reported to designated on-call Bureau personnel as soon as received by the office of the Superintendent of Police.

F. A member shall normally secure from a complainant only sufficient information to permit the Internal Affairs Bureau to contact him, but if a member cannot obtain such information, then he shall obtain and report as much information on the complaint as possible.

IV. INVESTIGATION OF COMPLAINTS

A. Personnel complaints shall be investigated by the Internal Affairs Bureau, unless the complaint be against Bureau personnel, in which case it shall be investigated as directed by the Superintendent of Police. Administrative complaints shall normally be investigated by the Department operating division or unit concerned.

B. Upon receipt of a complaint, the Internal Affairs Bureau shall submit a brief written summary of available information to the Superintendent of Police and proceed to investigate the complaint in accordance with the established procedures.

C. The Inspector of Police shall notify the complainant in writing that the complaint has been received and inform him of the Department's procedure for investigation of complaints.

D. Administrative complaints shall be forwarded by the Inspector of Police to the commander of the appropriate Division or Bureau for prompt investigation. The unit shall report its findings and any action it has taken, or proposes to take, on the complaint to the Inspector of Police who shall forward the report with his comments to the Superintendent of Police.

E. No Department unit, except the Internal Affairs Bureau, shall investigate any complaint unless directed to do so by the Inspector or the Superintendent of Police, or unless failure to take immediate action would jeopardize a citizen, a member of the Department, or the investigation of the complaint.

F. A Complaint Investigation Report shall be prepared for each complaint investigated. If the investigation reveals improper conduct by any member of the Department in addition to that alleged by the complainant, such conduct shall be fully investigated and properly reported.

G. Each Department member shall cooperate fully in complaint investigations. However, no accused member shall be required to write a report explaining alleged improper conduct before being interviewed by a member of the Internal Affairs Bureau, nor shall any member be required to participate in an identification lineup before an investigation has revealed probable cause to believe that misconduct did occur.

An accused member shall be given an opportunity to explain his alleged improper actions, unless disclosing the nature of the complaint to the accused member might jeopardize the investigation or any prosecution arising out of it. However, an accused member shall always be given an opportunity to explain his actions to the Superintendent of Police before he prescribes any disciplinary action.

H. Each commanding officer, except a watch commander, in the chain of command above an accused member shall review the Complaint Investigation Report on a case and attached to it his comments and a recommendation for disposition.

I. The Inspector of Police shall review the report and all commanders' attachments, add his own recommendation, and forward the complete file to the Superintendent of Police.

V. DISPOSITION OF COMPLAINTS

A. An administrative complaint shall be disposed of by the Superintendent of Police unless referred by him to the Board of Police Commissioners for its consideration. Prior to disposition of an administrative complaint the complainant shall be given an opportunity to discuss his complaint with the Superintendent of Police or a member of the Department designated by the Superintendent. The office of the Superintendent shall notify the complainant in writing of the Department's disposition of his complaint and of its policies set forth in Part I.

B. Personnel complaints shall be disposed of by one of the following:

Daniel Pearlmutter

1. Summary proceedings
2. A hearing before a Complaint Review Board

After reviewing the Complaint Investigation Report, the Superintendent of Police or Inspector of Police shall determine the method to be followed.

If the investigation indicates that the accused member may have violated a criminal law, the Inspector of Police shall present the Complaint Investigation Report to the Prosecuting Attorney or other proper authority and shall request a determination as to whether any prosecutorial action is to take place. If a formal charge is made against the accused member, proceedings under these procedures may be suspended until such time as the criminal charge(s) has been disposed of. Nothing in these procedures shall prohibit the Department for proceeding against the accused member at any time prior to disposition of criminal charge(s).

C. Personnel complaints shall normally be disposed of by summary proceedings when:
   1. There is no substantial and credible evidence that the accused member engaged in misconduct; or
   2. All of the substantial and credible evidence indicates that the actions of the accused member were reasonable, lawful, and proper; or
   3. The accused member admits that the allegation of misconduct is substantially true.

   Summary proceedings shall be initiated by the Inspector of Police. The proceedings may employ informal meetings and communications in an attempt to resolve the complaint to the satisfaction of the Department and the concerned parties.

D. Both the accused member and the complainant may have counsel present in summary proceedings. The Inspector of Police shall represent the Department in such proceedings and, if necessary, shall serve as a conciliator unless the Superintendent of Police appoints some other person to serve.

E. If, as a result of summary proceedings, the complaint is resolved to the satisfaction of the complainant, the accused member, and the Inspector, then the Inspector shall forward his findings and recommended disciplinary action, if any, along with the complete file of the complaint, to the Superintendent of Police. The Superintendent may:
   1. Approve the recommendation of the Inspector; or
   2. Return the file to the Inspector with directions that the complaint be heard by a Complaint Review Board, or
   3. Classify the complaint into one of the following categories:
      a. Complaint Unfounded. The complaint was not based on facts, or the incident did not occur.
      b. Accused Exonerated. The action complained of did occur, but it was reasonable, lawful, and proper.
      c. Investigation Inconclusive. Evidence available was insufficient to prove or disprove the allegations in the complaint.
      d. Administrative Complaint. Evidence available did not sustain a complaint against the accused member, but it did indicate there may be a need for review of procedures or practices followed in the Department.
      e. Complaint Sustained. Substantial and credible evidence sufficient to support the allegations in the complaint.

F. After he has classified the complaint the Superintendent of Police shall take appropriate action. He shall also:
   1. Notify in writing the complainant and the accused member of the disposition of the case,
   2. When appropriate, to notify in writing the accused member of his right of appeal (and in the event of an accused member's discharge, furnish him with a written statement of the reasons for his discharge),
   3. *Notify in writing the complainant of the Department's policies set forth in Part I.*

G. *All personnel complaints not disposed of by Summary Proceedings* shall be heard by a Complaint Review Board. A Board shall consist of three commissioned members of the Department. The Superintendent of Police shall not serve as a member of the Board. One member shall be of a rank no lower than Captain, and no lower than the rank of the accused.

H. Members of a Complaint Review Board shall be appointed by the Superintendent of Police, who shall take necessary precaution to assure that they are neutral toward the case and all parties and witnesses. The Superintendent shall designate the Chairman of the Board.

I. The Inspector of Police shall make all preparations necessary for a Complaint Review Board to convene, fix the time for the hearing to begin, and represent the Department in all proceedings before a Board.

J. Hearings shall be open to the public unless ordered closed by the Superintendent of Police. All testimony shall be taken under oath but the technical rules of evidence shall not apply. Proceedings shall be tape recorded; the recordings and all evidence introduced at the hearing shall be preserved by the Inspector of Police until the case is finally disposed of. Both the accused member and the complainant may have counsel present and both shall have the right to present all relevant evidence and to examine and cross examine witnesses. Both the accused member and the complainant shall be responsible for obtaining counsel if they desire it, for securing the attendance of witnesses, and for procuring the evidence they wish to introduce.

K. The Department retains the right to refuse to disclose information about informants, provided, however, that if the sole justification offered for the conduct of the accused member is that he acted upon information supplied by an informant, then the identity of the informant and the information he supplied must be disclosed to the complainant unless the Inspector certified in writing both that he knows the identity of the informant and believes either that preserving his anonymity is essential to his safety or that it is essential to his continuing capacity to serve as an informant.

L. Decisions in personnel cases shall be based upon substantial and credible evidence. A personnel complaint must be sustained if it is supported by a preponderance of such evidence.

M. Hearings may be continued by a Complaint Review Board or the Superintendent of Police, but the Superintendent may impose limits on requests for continuance.

N. Upon conclusion of a hearing, a Complaint Review Board shall submit a report on the hearing to the Superintendent of Police. The report shall summarize the hearing and contain the Board's recommendation as to the proper classification of the complaint into one of the categories listed under Part V, Subsection E.

   The report shall not include a recommendation for specific disciplinary action. A Board's report shall be submitted within five days after the conclusion of the hearing unless upon request of the Board the time is extended by the Superintendent of Police.

O. Upon receipt of a report from a Complaint Review Board, the Superintendent of Police shall review the case, classify the complaint into one of the categories listed under Part V, Subsection E, and, afterwards, take all appropriate actions as set forth in Part V, Subsection F.

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Can the Chicago Police be tamed?/

RALPH H. METCALFE
U.S. REPRESENTATIVE

What is the proper course of action to take in an emergency? Should you call the police? Think first, that might not be the proper course of action, especially if you are black, brown or poor in Chicago.

Ms Bennye Moon, a black widowed mother, in August of 1968, called the police to quell an argument between her son and daughter-in-law. When the police arrived they became abusive of her son. When Ms Moon protested this action a policeman pistolwhipped her, breaking two ribs and dislocating her shoulder. Ms Moon's seventeen-year-old pregnant daughter witnessing this beating told the police not to hit her mother. The officer then hit the pregnant young lady in the stomach. She suffered blackouts, and her child was born prematurely. Her child was born with a blind sunken eye and a dislocated perforated heart. Ms Moon filed a complaint with the Internal Affairs Division (IAD) of the Chicago Police Department, and was simply told that the policeman acted improperly.

On March 13, 1972, Dr. Herbert Odom, Black and a practicing dentist, was stopped by two white policemen for not having a light over his rear license plate. As a result of this minor traffic violation, Dr. Odom reported that he was searched and handcuffed. He stated that the handcuffs were so tight that they injured his wrists, and despite repeated requests for the handcuffs to be loosened the policemen refused to loosen them. Dr. Odom suffered wrist injuries during this incident, and was forced to cancel a surgical operation scheduled for the next morning. Throughout this entire episode, the policemen addressed Dr. Odom as "Herbert."

Dr. Odom filed a complaint with the Internal Affairs Division and subsequently was asked to take a lie detector test. His counsel, knowing that the police department always sends complainants to Reid and Associates Lie Detector Agency, which has the reputation of supporting the police in such cases, first sent him to an independent firm.

The results from the independent firm indicated that Dr. Odom was truthful. Conversely, the results from Reid and Associates indicated that he was not truthful on some occassions.

Neither one of these police-brutality victims were ever notified as to what disciplinary action, if any, was taken against the police officers.

The above cases reporting police brutality together with 20 other cases is information taken from sworn testimonial statements given by police victims and are included as part of the report entitled "The Misuse of Police Authority in Chicago" that was released at a press conference on July 6, 1973.

Year-long Study

The report is the result of four public hearings and a year-long study conducted by the Blue Ribbon Panel that

I convened during the summer of 1972 to investigate police misuse of authority. In the report, the Panel makes 47 recommendations that are separated into five categories. These changes to the police system would immediately halt police misconduct atrocities that are now happening.

Also testifying, along with police brutality victims, were Officers Howard Saffold, a policeman for 9 years and president of the Afto-American Patrolmen's League; Arthur Lindsay, a police sergeant, vice president of The Guardians, a police organization, and a policeman for 20 years; Herman Herrick, a police sergeant and president of the Chicago Police Crimefighters; Dr. Avrum Mendelsohn, a psychologist with the Elmhurst psychological center, who was formerly employed by the Chicago Police Department from 1965 to 1968; Dr. Arnold Abrams, a professor of psychology at Chicago City College and previously a consultant for the Skokie, Illinois, and Chicago Police Department; and Attorney Thomas Todd, an assistant professor of law at Northwestern University Law School and executive vice president of Operation P.U.S.H.

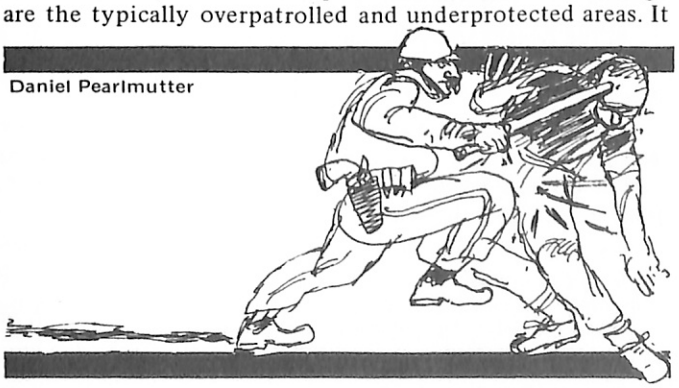
Several high-ranking public officials were invited to testify at the hearings but all refused. Chicago's Police Superintendent James B. Conlisk, Jr., said that he would be out of the city; former State's Attorney Edward V. Hanrahan flatly refused the invitation; Marlin Johnson, president of the Chicago Police Board, informed the Panel that any public statement from him at that time might hinder the progress of a study he was making on his own. Others invited that did not appear were William E. Cahill, president of the Chicago Civil Service Commission, and Peter Fitzpatrick, chairman of the Chicago Commission on Human Relations.

Abusive Police Conduct

The testimony that was offered during the hearings reaffirmed a statement that I made on March 20, 1972. At that time, I informed Police Superintendent Conlisk that he would be "hard pressed to go into any home in the Black ghetto and not find at least one member of that household who either feels that they have been abused verbally and physically by some member of the police force, or has first-hand information of such an incident." Even with the police resignations and reshuffling of police officers and commanders that took place subsequent to the hearings, it is evident that the system which allows for abusive police conduct still exists.

Further, the Blue Ribbon Panel was convened because there is a growing concern about the high crime rate in the inner city communities of Chicago, and some of the policemen responsible for protecting the rights of citizens appeared to be mistreating them instead.

The black, brown and poor communities of Chicago are the typically overpatrolled and underprotected areas. It



Daniel Pearlmutter

has been stated by community leaders that in these areas part of the reason for the high crime rate is that the community has very little respect for the police because of some policemen's abusive conduct toward them. The community views the police as an occupying army.

Daniel Pearlmutter

There is no precise, accurate way of finding out how many police-brutality cases occur because many cases are never reported by their victims. More than 1200 citizens file complaints of abusive police conduct each year. Of these, according to the five-year statistical study of the IAD, 1973, only 1.4 percent are sustained.

In serious instances of abusive police conduct, the police consistently place criminal charges to justify their conduct and put the citizen – (victim) on the defensive. The use of the same three criminal charges – disorderly conduct, resisting arrest and battery against a police officer – is so constant that lawyers and community workers familiar with such cases refer to this group of criminal charges as the "holy trinity".

Civilian Death Rate

Comparative information is available as to the frequency of civilian deaths at the hands of police officers. According to a report by the Chicago Law Enforcement Study Group (CLESG), the use of fatal force by police is far more frequent in Chicago than in other major urban centers. "Chicago's civilian death rate, at the hands of law enforcement officers, was nearly one and one-half times the Philadelphia rate and more than three times the rate of New York, Los Angeles and Detroit." Significantly, CLESG reports that 75 percent of the civilians killed in Chicago at the hands of law enforcement officers are black.

Regardless of the overpowering facts in the report, the political machinery of the Chicago Democratic organization and the police department's administration has taken an official "no comment" position.

To this date, the responses to the report have been two-fold. One, there has been an overwhelming response of support from the Chicago community at large – from black, brown, and white citizens; policemen who understand the vicious system in which they work and are seeking to reform it; and community-based businessmen and organizations. Two, there has been no criticism of the content or recommendations of the report. Usually, when a report is issued by a citizens committee which recommends major reforms for an integral part of the city's operations, an official denial is issued that these reforms are not necessary. This report, evidently, is so accurate that its findings could not be denied. Therefore, those who sought to discredit the report, did not attack it, but they attacked a statement which I made regarding the report.

"Rotten to the Core"

At the press conference of July 6, 1973, as one of the spokesmen for the Blue Ribbon Panel, I stated that "when we were beginning to bring the issue of police misconduct to the public, I predicted that a mere reshuffling of command officers, as has been the case in the

past, would not solve the basic problem of abusive conduct on the part of *certain members* of the Chicago Police Department. It is quite clear that the Chicago Police Department (system) is rotten to the core. The only solution to cleaning it up is through total reform."

Several black public officials who tried to discredit the report, tried to infer from this statement that the Blue Ribbon Panel was indicting all of "Chicago's finest in Blue." It has never been asserted by the Panel or any of its spokesmen, that all of Chicago's policemen were inefficient. The report only condemns those policemen who are the psychological misfits and those that center their jobs on brutalizing and harassing citizens of Chicago's black, brown and poor communities.

The major concern of the Blue Ribbon Panel was concentrated on reforming the system which allows police misconduct to exist. The Panel was not concerned with the reshuffling of police commanders or even with calling for the resignation of the police superintendent. We do not feel that a new police superintendent would constitute a new system. For example, in the 1960s, following the sordid Summerdale scandal, Chicago Police Superintendent Timothy O'Connor was replaced by Orlando W. Wilson. The Summerdale scandal was an incident where eight Chicago policemen on the northside were burglarizing homes. This district then known as Summerdale is now known as the Foster Ave. District.

Wilson was a noted California criminologist who was brought to Chicago to institute the needed reforms within the police system. Under Wilson's administration the police department underwent many physical changes. Their uniforms were changed, squad car colors were changed, and there were even a few administrative changes. However, the overall police system in Chicago remained the same. This can be evidenced by the fact that when Superintendent Wilson resigned as police superintendent, his main request was that he name his successor. Consequently, Superintendent Wilson named James B. Conlisk, Jr., whose father had been a police captain under the administration of Mayor Edward Kelly and Mayor Martin J. Kennelly. Mayor Kelly was a close associate of Mayor Richard J. Daley.

During these times of so-called reform of the police system, what actually transpired was that administrators were being changed, while the machinery of the system remained the same. While the Blue Ribbon Panel did not call for the resignation of Superintendent Conlisk, numerous organizations and news media have called for Conlisk's removal. Among them are the Afro-American Patrolmen's League, the *Chicago Sun-Times*, the *Chicago Daily News*, and the *Chicago Tribune*.

The Conlisk Issue

On July 17, 1973, 11 days after the issuance of the Report, WBBM-TV's co-anchorman Walter Jacobson broke a major news story involving Superintendent Conlisk. Jacobson reported that in a secret meeting Chicago Police Board President Marlin W. Johnson had met with Mayor Daley to discuss the removal of Superintendent Conlisk. Both later denied the report.

Walter Jacobson and subsequent news reports indicated that Johnson had told Mayor Daley that the police department is in bad shape under Conlisk's leadership, and offered to resign from the police board if the Mayor did not do something about the situation. He told Mayor Daley that the police department is suffering from system-wide maladministration, and that Conlisk is unable to control the dissident elements within the department. It was reported that Johnson and the board members feel that rising crime rates, police brutality, corruption and racial discrimination are

Daniel Pearlmutter

Ralph H. Metcalfe

areas that are not being effectively dealt with under Conlisk's administration.

It is important to note that the Blue Ribbon Panel found that during the 13-year period of the Chicago Police Board, it had functioned merely as a rubber stamp for the decisions of the police department's administrators. The members of the police board are largely business and labor executives, who are closely associated with the city administration. Police Board President Marlin Johnson's background is in law enforcement where he has built a good reputation as a top-notch administrator with the Federal Bureau of Investigation. In evaluating the reported dialogue between Mayor Daley and Marlin Johnson, it appears as if Marlin Johnson doesn't intend to risk his police reputation by heading the police board while James B. Conlisk, Jr. is police superintendent.

The reactions to the report all reflect the complexity and seriousness of the problem for which the Blue Ribbon Panel has sought to find a solution. The Chicago police system is unquestionably rotten and inefficient although Chicago policemen are paid the second highest salaries of any policemen in the country.

Police Discipline System

In the Panel's investigation it became apparent that there are four basic reasons for the failure of the police discipline system to punish abusive conduct.

First, present law enforcement policy encourages aggressive police conduct toward citizens. The police department administration views abusive treatment of a citizen by a policeman as merely over-zealous conduct.

Second, the entire investigation and decision on a civilian's complaint of abusive police conduct is carried out by policemen. Inevitably this self-investigation system usually resolves doubts and conflicts of evidence in the accused policeman's favor.

Third, the entire handling of citizen's complaints against policemen is secret. Not only is the public completely excluded from any access to information, but the com-

plainant receives no information about the evidence obtained in an investigation, the manner in which it is evaluated, the reasons for decision, or the penalty imposed in the rare instances when a complaint is sustained.

Fourth, there are many procedural deficiencies by which a citizens complaint of police misconduct is investigated and decided. For example, the IAD has the dual function of investigating policemen – and later defending them. The Corporation Counsel of the Police Department also has a similar conflict of roles. The counsel prosecutes disorderly conduct and resisting arrest charges made by policemen, and defends policemen in civil action suits brought by citizens. However, the Counsel also has the duty of prosecuting serious disciplinary proceedings against some of the same policemen before the Chicago Police Board. These conflicting roles inevitably must be accommodated, and it seems obvious that the accommodation is to favor policemen accused of abusive conduct.

In a recent report of the Chicago Bar Association (CBA), the following procedural defects in the police discipline were documented:

- There are no guidelines for the thoroughness of an investigation.
- There are no written guidelines for the evaluation of evidence. Often conflicting stories are resolved in favor of the police officer.
- The prior behavior record of the police officer is not considered during the investigation, while any prior record of the complainant is considered.
- There is no separation of the investigation and decision-making functions. IAD investigators conduct the investigation, evaluate the evidence, and recommend the decision and the penalty, if any is necessary in their opinion.

In recent years, there has only been one significant step taken to reform the police discipline system. In June 1972, the Chicago Commission on Human Relations (CCHR) was given the assignment of reviewing IAD excessive force files. However, it is clear that CCHR's review function is circumscribed in so many ways that its impact on the problems of abusive police conduct and disciplinary failure is very limited.

For example, CCHR merely reviews cases referred to them by IAD. It has no part in the basic investigation or in decision making regarding an alleged police misconduct case. CCHR has no role in systematically reviewing or reforming IAD procedures. Therefore, even with CCHR's involvement, the system of police self-investigation continues basically unchanged.

Racial Discrimination in Police Employment

On August 14, 1973, 40 days after the issuance of the Report, the U.S. Department of Justice filed suit against the Chicago Police Department charging discrimination in its employment practices towards blacks, Spanish-speaking Americans, and women.

In a study done in 1972 by the Law Enforcement Assistance Administration (LEAA), it was found that Blacks represent approximately 33 percent of the population of Chicago, but only 16 percent of the sworn officers of the police department. Spanish Americans represent approximately 7 percent of the Chicago population, but only 1 percent of Chicago's police officers.

LEAA's report indicated that minorities were being disqualified from the police system by both written tests and medical examinations at rates twice as high as that of non-minority group members.

In the areas of promotions, LEAA found that Black officers are inadequately represented in the sergeant, lieutenant, and captain ranks; in the top level management and command ranks, and in the specialized patrolman assignments that carry premium pay.

LEAA also found that in the discipline area, there was a higher rate of serious complaints against Black officers than against non-minority group officers in the department. It was found that a higher percentage of such charges against Blacks were found to be sustained by departmental investigations.

Psychological Testing of Policemen

Testimony was offered at the Blue Ribbon Panel's hearing by Dr. Avrum Mendelsohn and Dr. Arnold Abrams concerning psychological testing of police recruits. These psychologists testified that during the early 1960's 20 to 30 percent of those applicants seeking employment with the police department were rejected because of "grossly incapacitating illness." Dr. Mendelsohn and Dr. Abrams both indicated that at present there is little or no testing for the psychological qualifications of recruits. This testimony is substantiated by the LEAA report which indicated that practically all major police departments in the country have some means of screening out applicants who are emotionally unsuited for police work, but that "the present patrolman selection process (in Chicago) includes no method for screening out persons with serious emotional problems."

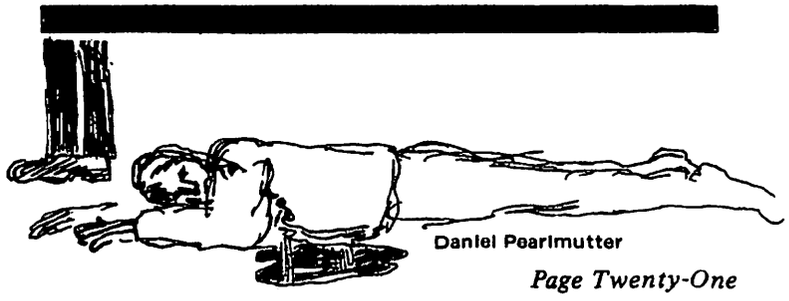
Dr. Mendelsohn also noted that instead of eliminating police recruits that have psychological deficiencies, which have been brought to the attention of the department, these recruits are labeled calculated risks. These policemen are assigned to high crime areas. Thus, many who are not psychologically qualified to serve as Chicago police officers, not only become a member of the force, but are assigned to areas where the demands on them are greatest and the consequences of their mistakes are likely to be most serious.

In 1968, two reports were published which indicated that the Chicago Police Department had to be reformed. In March 1968, the report of the National Advisory Commission on Civil Disorders was published, and the report of the Chicago Riot Study Committee was published in August 1968. Both of these reports unequivocally indicated that one of the reasons for the disorders was due to the community's hostility toward the police because of the police's continuous misconduct toward them. These reports, however, fell on deaf ears of public officials and their recommendations were never implemented. Those of us involved with police reform in Chicago have taken steps to make sure that "The Misuse of Police Authority" does not have the same future.

Citizens Take Action

The Concerned Citizens for Police Reform, which is a citizens organization seeking reform of the Chicago Police Department, has taken on the responsibility of making sure that this report is disseminated and discussed. The CCPR has established a speakers bureau and it is disseminating 100,000 copies of the report, that were printed by the *Chicago Daily Defender*.

It is our belief that there will be no reform, there will be no action on this report unless the grassroot citizenry is involved in forcing the organized power structure to change the abusive policies of the police department.



Daniel Pearlmutter

RECOMMENDATIONS OF THE BLUE RIBBON PANEL

Excerpted below are the conclusions of a report entitled "The Misuse of Police Authority in Chicago," which is the result of four public hearings and a year-long study by the Blue Ribbon Panel that was convened by Congressman Ralph H. Metcalfe

Total rebuilding and reorienta

I. The Chicago Police Board is the ultimate link between the police department and the public. Therefore, the Blue Ribbon Panel recommends that there be a modification of the membership and duties of the Board. The Panel recommends that the following steps be taken to insure a greater accountability of the police department to the public.

A. Selection of Police Board Members.

1. The membership of the Chicago Police Board should be increased from the present five to fifteen members;
2. Six members of the Police Board should be appointed from a list of names submitted by organizations that have been active on behalf of the Black and Brown communities of Chicago in seeking police reform.

B. Powers and Duties of the Police Board. Since the Police Board should be accountable to the public for all operations of the Department, the board should have broad authority to initiate, amend or terminate policies and procedures in all areas of the Department. Its management and control responsibilities should include the following:

1. Appointment and dismissal of the superintendent;
2. Initiation, or review and approval *before* implementation, of policies and procedures in all aspects of Department operation;
3. Imposition of disciplinary penalties, upon the findings of the proposed independent investigating agency;
4. Preparation of, public hearings on and submission to the City of the annual budget of the Department;
5. Establishment of a system through which comprehensive data on Department operations is made available to the public and to researchers;
6. Maintenance of a staff sufficient to provide the Board with independent analysis of questions coming before it.

II. To build an effective police department, that will be effective in reducing crime, it is important that the city's citizens have the highest respect for its law enforcement agencies. This cannot be accomplished unless the police system has an effective discipline system to deal with policemen who misuse their authority. Therefore, the Blue Ribbon Panel is recommending the following changes in the police discipline system.

A. An Independent Investigating Agency.

1. An independent investigating agency should be established to carry out the functions of receipt, investigation and factual determination on all complaints of excessive force, other violations of civil rights and criminal activity of any kind by policemen;
2. No staff member of the independent investigating agency shall be a present or former member of the Chicago Police Department;
3. The agency should have the subpoena power in carrying out investigations and hearings;
4. After completing its investigation of an allegation, the agency should have the option of (a) forwarding the case to an impartial hearing examiner for a public fact-finding hearing, or (b) forwarding the case to the Superintendent for disciplinary action by him up to thirty days suspension. The action of the Superintendent on such cases should be made public.
5. Hearing examiners should be attorneys selected from among names recommended by bar associations;
6. When a hearing examiner sustains an allegation of police misconduct, the case should be forwarded to the police board for imposition of penalty. At the same time, the factual findings and reasons for decision should be made public;
7. The independent investigating agency should also have the authority to refer cases at any time to appropriate authorities for consideration of possible criminal prosecution;
8. This independent investigating agency is *not* a civilian review board. Civilian review boards have historically had the authority to impose discipline, but not to investigate. This proposed agency is the opposite: it has the function of investigation and fact-finding, but the imposition of penalties will continue to be the responsibility of the Police Board and the Superintendent.

B. Internal Reform of the Police Discipline System.

1. The present police discipline system should retain responsibility for investigation and imposition of penalties on all disciplinary matters other than the specific categories delegated to the independent investigating agency;
2. Deficiencies in the procedures of the present police discipline system should be corrected, including:

(a) The standard of proof in police discipline cases should be the same as in civil lawsuits: Proof of the misconduct by "a preponderance or greater weight of the evidence";
(b) Written criteria governing the thoroughness of investigations should be established to insure that all possible evidence is obtained. Coordination of the disciplinary proceeding with related criminal or civil proceedings should be maintained.
(c) Equitable procedures for polygraph tests in police discipline investigations should be established. Citizens and policemen who are to to take polygraph tests should be given a list of several polygraph companies to choose from. Submission to polygraph tests should be entirely optional in disciplinary cases;
(d) The entire prior record of complaints against an officer should be considered in disciplinary investigations to enable identification of officers who engage in a pattern of misconduct;
(e) The investigation and fact-finding functions should be performed by different persons;
(f) A record of all disciplinary penalties for similar acts of misconduct;
(g) The composition of the Department's Complaint Review Panel, which has recently been changed to include a policeman of the same rank as the accused, should also include an independent civilian. The complainant should have the same opportunity as the accused policeman to appear before the Panel;
(h) All of the other procedural deficiencies in the police discipline system, identified in the Chicago Bar Association Report and in other studies, should be corrected.

III. To alleviate the problems of discrimination and lack of psychological testing in the employment and promotion policies of the police department, the Blue Ribbon Panel made the following recommendations.

tion crucial to reform

A. Steps to be Taken by the Civil Service Commission.

1. All of the steps in the selection and promotion procedure for which the Civil Service Commission is responsible should be rigorously validated as being related to job performance and not racially discriminatory. Special attention should be given to:

   (a) Written examinations;
   (b) Physical examination standards and procedures;
   (c) Background investigations;

2. The height standard should be reduced to 5'6" to minimize discrimination against Brown and Oriental candidates for police employment;
3. A comprehensive program should be instituted to screen out undesirable police candidates on the basis of psychological and emotional evaluations;
4. Physicians and psychologists involved in the selection process should be independent professionals recommended by academic institutions or professional associations;
5. Such professionals, and other selection-system personnel, such as background investigators, should be representative in composition of the Black and Brown populations of the city;
6. Disqualification on the physical examination should be confirmed by all appropriate medical procedures and reviewed by other members of the group of examining physicians.

B. Steps to be taken by the Police Department.

1. The Department should use the probationary period as an additional phase in the selection process, discharging any probationary patrolman whose performance on intelligence and psychological tests, classroom curriculum or field training indicates he is not highly qualified to become a policeman;
2. All steps in the selection and promotion process for which the Department is responsible should be rigorously validated as being related to job performance and not racially discriminatory;
3. All procedures involved in duty assignments, performance ratings and discipline should be rigorously evaluated, and modified as necessary, to insure that they are not racially discriminatory.

C. Public Accountability for Police Personnel Practices. Despite recommendations by numerous consultants and government agencies, the foregoing essential reforms in police personnel practices have been rejected by the Civil Service Commission and the Police Department. To insure that the necessary changes are promptly implemented and that the demonstrated racially discriminatory effects of past and current practices are remedied, two steps should be taken jointly by the Civil Service Commission and the Police Department:

1. Both agencies should publicly adopt the goal of representation of the Black and Brown communities at all levels of the Department in proportion to their numbers in the population. A detailed affirmative action program, covering all steps from recruitment to exempt appointments and including timetables for achieving the above goal, should be formulated and made public;
2. To insure prompt action and to render the Commission and the Department accountable to the public with respect to selection and promotion practices, a special citizen's committee should be established to monitor and make recommendations concerning those practices. The composition of the committee should include persons with appropriate expertise and representatives of organizations that have been active on behalf of the community in seeking police reform. The committee should report to the Commission, the Department and the public.

IV. To form a better police-community relations in Chicago the Blue Ribbon Panel recommends the following changes within the Police Department.

A. Aggressive Patrol Tactics. The aggressive patrol tactics of the Special Operations Group (formerly the Task Force), which result in many unconstitutional searches and arrests, should be terminated immediately.

B. Policies Affecting the Brown Community.

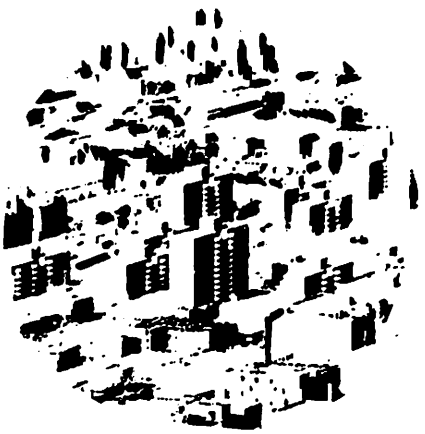
1. There should be immediate cessation of harassment of Brown persons who are stopped on the streets by policemen for the sole purpose of investigating residency status. This is the function of federal agencies, not the Chicago Police Department.
2. Bi-lingual translators should be present at all hours at police headquarters in district stations in Spanish-speaking communities.
3. In cooperation with organizations in the Brown community, the Department should implement appropriate orders and in-service training programs to improve the policeman's understanding of the bi-culturality of the Brown community.

V. Public Access to Information Concerning Police Department Operations.

A. The Department should follow the example of the New York Police by opening the entire range of Police activities to Public Inquiry and Research.

1. The basic policy of the Department with respect to public access to information should be that all aspects of the Department's files, records and personnel should be available to qualified researchers;
2. Exceptions to this policy, specified in advance, should be created only where necessary to protect the confidentiality of pending criminal investigations and the names of informants;
3. No person should be denied access to information because the Department disagrees with his research purpose or perspective or because of lack of academic credentials or affiliation. The sole criterion for responding to research proposals should be whether the proposal is orderly and coherent;
4. Sufficient Department personnel should be assigned to comply with all requests for research data;
5. The policy of permitting qualified researchers full access to information should be supplemented by a comprehensive Department program of reporting to the public on Department policies and operations and their results.

B. Advisory Committee on Public Access to Information. The Police Board and the Superintendent should appoint an advisory committee to oversee the foregoing program of public access to information. The committee should be composed of the deans of all law schools located in Chicago and the chairman of the social science departments of major universities located in the city. The members of the advisory committee should select a chairman from among themselves.



Cook County law enforcement is fragmented, mismanaged, and uncoordinated at fantastic prices/

JOSEPH C. HONAN

A recent study of law enforcement agencies in suburban Cook County, Illinois, reveals a picture of fragmented police operation which is unrelated to criminal activity patterns. It shows a system which is mismanaged, uncoordinated, and which provides inadequate police protection at almost fantastic prices to the taxpayer.

The confidential study, done by a private management consulting group and sponsored by the Cook County Committee on Criminal Justice, details the operational characteristics of the 123 municipal police departments which serve the 2,125,112 residents of suburban Cook County as of August, 1971. The story is the same in 1973.

These characteristics portray essentially a seat-of-the-pants operation. It shows the need for a thorough revision of operations along regional lines. Regionalization, which cuts across the political and bureaucratic geographical boundaries, ostensibly is the key to improving police operations. Yet, this restructuring is strongly opposed by the suburban municipal chiefs of police interviewed.

One Line Officer For 2520

The total number of sworn personnel for all Cook County law enforcement agencies was 3,384 including 478 part-time people. Of these, 2,530 are line officers: corporals, investigators, juvenile officers, and patrolmen. The remainder are staff and supervisory types: chiefs, captains, lieutenants, and sergeants. Only four of the 123 Cook County PD's have black policemen. However, this doesn't include the City of Chicago's 13,275 man authorized force for which figures on black officers were not released.

In terms of suburban Cook County population, there was one line officer for every 840 persons. But this figure is diluted when shifts are accounted for. Since the majority of departments operate on a three-shift basis and assign personnel almost evenly across the shifts, the actual ratio of line officers to total suburban population was 1 to 2,520!

Shift Size Does Not Reflect Work Load

Instead of reflecting the workloads, shift size is standardized among suburban police departments. Seventy-four departments assign personnel evenly between the midnight, day, and evening sifts. There are a few departments which distribute manpower unevenly between shifts, but usually only one or two men are working, and, just as important, they reveal a misuse of manpower when compared with the workload of nine selected suburban Cook County Departments.

Patrol activity on shifts increased from 15 to 20 percent during the midnight shift, to 30 to 45 percent during the day shift, to 45 to 50 percent during the evening shift. Despite these activity patterns, no attempt is made by departments to assign personnel to reflect these differences. Obviously, the midnight shift is less than half as productive as the evening shift.

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Similarly, the greater patrol activity which occurs on Thursday, Friday, and Saturday evenings is ignored.

Part of the problem lies in the failure of some departments to review data on work activity; but others failed to collect this information altogether. Some argued that their assignments maintain work units which they considered more important than equalizing work loads. Nevertheless, a few departments have created a fourth shift which is used to augment the evening shift. Of course, this practice does not assuage the 80 percent waste of manpower which occurs during the midnight shift.

Inadequate Investigations

In investigative activities, too, police personnel was not assigned in accordance with needs or sound management practices. Two men were assigned to a case, even when the investigation was routine. This practice is wasteful. There are 331 investigatory personnel including juvenile officers for all of the municipalities. Given this small number, it is not surprising that the total number of cases assigned to them was more than they could adequately handle. As a result, investigations are conducted on an ad hoc basis with priorities determined by the investigating team. Supervisors exercise almost no control over investigations, nor do they keep records of the amount of time spent on cases by investigators. Supervisory personnel can seldom tell without checking who is doing what to whom when.

The pattern of waste was further illuminated by the inordinate amount of time investigators spend just typing out their reports.

These seat-of-the-pants practices are compounded by the failure of suburban police to develop and use their own manuals of rules of operational procedures. Some departments had manuals, but these were simply reissues of some other department's manual.

The data on the law enforcement agencies of suburban Cook County and the style and quantity of their services were gathered in the summer of 1971. Despite this limitation, the data offers an accurate and revealing picture of law enforcement in Cook County.

But patrol and investigative activities are two of the law functions performed by suburban Cook County police agencies. The following is a list of typical functions performed by departments and the priorities assigned to them by their police chiefs.

Typical Functions	Performed by Depts. yes	no	Priority Average
Protective patrol	122	1	1.72
Complaint response	123		1.79
Traffic Control	120	3	2.43
Investigative and Youth Service	115	8	3.25
Criminal Intelligence Collection	72	51	4.64

Source: Cook County Committee on Criminal Justice, *Improving Police Service in Suburban Cook County*, Vol. 1, Executive Summary, (Chicago, Dec. 1971) p. II-8.

This listing suggests the emphasis on surveillance and control activities. Top priority among most departments was given to protective patrol, complaint responses, and traffic control, in that order. The second layer of police services was geared to investigative activities, with criminal intelligence collection comprising a third layer.

Fifty-one departments did not engage in criminal intelligence collection partly because of their low crime rates, but primarily because the suburban municipal departments had practically no laboratory facilities. As a consequence, each department resorts to private or other available sources for evidence processing. Some of these sources are the City of Chicago Crime Law, the State Crime Lab at Joliet, the FBI Lab in Washington, D.C., or private crime laboratories. Although fees are not charged by the government supported crime-labs, they are under no obligation to render services to the municipal departments. Moreover, when services were rendered they were often found to be spotty, inconvenient, and unduly slow.

Also, the high fees charged for services by the private labs were probably the major factor in the low priority given to criminal intelligence collection. For example, the Northern Illinois Police Crime lab provided private services to a large number of suburban police departments, but the costs to the subscribing municipalities were found to be substantial. Since the total cost might well support a crime lab facility, one of the suggestions growing out of the study report was that all departments cooperate in evidence processing.

Among the additional police services provided by many of the suburban police departments the data revealed:

Additional Functions	Performed yes	no
Ambulance service	19	104
Vehicle inspection	21	97*
Animal control	92	28
School crossings	90	30
Rescue service	31	89
Detention (lock-up)	92	28

* Totals are not the same since all 123 departments did not respond.

Although the merit of performing these functions is not in question, the fact is that for many municipal police departments, the costs of performing them are prohibitive. The per-capita costs for all functions performed in municipalities with less than five thousand population was almost double that of other municipalities with greater populations ($44.68 resp. $19.79). This is significant since there are 27 municipalities in Cook County with less than five thousand population.

Surprisingly, when departments were asked whether the foregoing functions should be performed they almost unanimously agreed (94.7%) on the detention function, but not on the others. A good percentage (60.4%) supported school crossings function, but only 38.3 percent rescue service and 6.1 percent ambulance service.

Another area of apparent inefficient operation is radio communications. Of the 123 suburban police departments, 113 maintain radio-base stations and all but a few are operated on a 24-hour basis. The ten departments which do not have a radio base have their patrol cars dispatched by neighboring stations or by the Cook County Sheriffs Patrol station. Since stations are on duty 24 hours this means that an operator is also on duty. The practice requires a commitment of 500 full-time personnel to radio operations. (Some of the larger departments assign two men to some shifts.)

The inefficiency is revealed when a comparison between patrol activity and radio base operations is made. With 494 patrols on the streets per average shift, the proportion of radio-base stations to the number of patrols on the streets at any one time is 1 to 4½; i.e., one operator for every four and half patrols. This number of patrols per dispatcher and radio base station is well below potential capacity. Furthermore, sixty-six departments reported that their radio operators experienced a great deal of interference on their as-

signed frequencies thus compounding the inefficiency problem.

The analysis of the functions and performances of suburban Cook County law enforcement agencies thus far needs to be juxtaposed within a cost framework in order to relate police services to tax dollars. In that context, the study revealed that the cost framework was a large one.

In 1971, budget expenditures for all 123 Cook County municipal police departments ran slightly more than 51 million dollars. Budgets for individual departments ranged from under $100,000 to more than a million dollars. The following table indicates the budget spread among departments:

No. of Departments	Annual Budget
19	under $100,000
27	$100,000–$250,000
43	$250,000–$500,000
24	$500,000–$1,000,000
9	$1,000,000–$2,000,000
1	Over $2,000,000

These budget expenditures can be viewed in two perspectives. In terms of Cook County population, the combined Police Departments spent $24.89 to provide each citizen with police services. In terms of total budget expenditures for all sworn personnel, the average expenditure was $16,920 per man. In other words, the departments spent, on the average, almost $17,000 per man to provide police services to its citizens. These, of course, are only averages. As the study points out, it cost almost twice the average cost for police services in communities with populations under 5,000. Thus far, the view of suburban Cook County law enforcement agencies has been from the top: that is, function, performance, and cos' That view has revealed functional overloads, performance inadequacies, and high costs. Another view must be made of its personnel, their education and training, promotion procedures, and performance evaluation.

Only 2.5% Graduated from College

The data on the level of education was not as complete as the foregoing data since about 30 percent of the total 3,384 sworn personnel did not complete the questions concerning education. For the 2,085 that did, the figures revealed that almost 72 percent received no more than high school training. The percentages of college trained police officers were much lower: eighteen percent had less than two years, seven percent had two years, and two-and-a-half percent had four years. Only one-half percent had graduate degrees.

However, during recruit training, police officers receive specialized training. Eighty-four percent of the police departments reported that they provided recruits with police science basics. Despite the fact that the State of Illinois has a Police Training Act which calls for training patrolmen in basic police science, 16 percent of the departments were found not offering this training. Actually, this is a high figure when only 318 municipalities in the whole state participate in Illinois' training program. (In July 1972, the Police Training Institute moved from Urbana to Northeastern Illinois where Cook County municipal police departments can more readily avail themselves of the Institute's basic law enforcement training curriculum.)

Eighty departments maintain in-service training programs, which provide specialized instruction either at area schools or in-house. Also many departments offer career development programs for their management and supervisory personnel, but only 39 departments reported having instituted this activity.

The lack of a commitment to career training programs becomes apparent when the criteria for promotion is examined. Almost 92 percent of the departments use the written examination as a basis for promotion, although the oral examination is the most frequently used technique. Actually, four criteria are used by departments and the average weights given each element was:

Element	Average Weight
Written examination	59.3%
Oral examination	25.0%
Performance evaluation	18.8%
Seniority	9.2%
Physical agility	some depts. only
Military service	some depts. only

Obviously the written examination is the crucial element in promotion and since so few departments provide career training, it follows that promotion is a slow and individual effort.

The written and oral examination play a heavy role in recruitment. Only one department reported not using oral examinations in recruiting and only nine did not use written examinations. However, less than half of the departments used a psychological examination in recruiting personnel, whereas 91 percent used a physical examination. Presumably, physical conditioning plays a much more important role in recruiting than does mental attitude.

One of the complicating factors of Cook County Municipal Law enforcement is the Cook County Sheriff's Department. Although the Department states a broad mission, it actually performs much the same functions as any of the municipal departments, but only in unincorporated areas of the county. This area, approximately 200 square miles and inhabited by 166,120 people, is peppered by the numerous incorporated areas within the 754-square-mile county. Thus, the 15 Sheriff's Department patrols spend an inordinate amount of time crossing municipal jurisdictional lines in a duplicative and time consuming effort.

Recommend Changes

Some time ago the Sheriff's Department suggested that it discontinue uniformed patrols and concentrate on criminal investigation, police training, and in providing support services to the municipal departments. The suggestion is a tenable one, since few municipal police departments have the capacity to assign adequate numbers to conduct criminal investigation. Furthermore, as more than 50 percent of the Sheriff's Department 336 sworn personnel are college trained, presumably they would be highly qualified to conduct police training programs.

The recommendations of cooperation and differentiating among the various police functions performed by municipal police departments is a traditional management response to organizational efficiency. Unfortunately, the concept attempts to rationalize a highly irrational but very human operation. Any attempt at reorganizing departments means reorganizing people and in a bureaucracy, this is one of the most difficult things to do. The basic cause of the problem is the numerous governmental jurisdictions that abound in Cook County. Until a reduction in them is made, reducing the number of municipal police departments is largely rhetorical. After all, we are talking about government jobs and that means politics. Politics, of course, is what the whole ball of wax is about, especially in Cook County.

POEMS

THE OLD COUPLE/THEIR WINDOW
Jim Heynen

Daily
they fade farther in

behind the
unwashed window.

Now and then
their thin lips pulse

like old catfish
close to the glass

as if they know
only a

membrane
separates them

from all the light
they've ever seen.

They continue
waning,

each day
the film thicker,

a small obstacle
not worth bothering,

a smudge
they could wipe off

with a wet finger
at any time.

If they cared to.

HE COMES EACH FRIDAY
Gary Gildner

The garbage man removed
his fruity gloves
and gently picked the blue
and silver pinwheel
heralding the waste arranged
beside the curb with care and rubbed
his whiskers, looking up
and down the street.

The street was clean
and shaded like a dream;
a blue-eyed cat, a Siamese,
sat watching by a plaster jockey
who was pointing with
his little whip
toward the driveway laid with new
crushed rock, and gleaming
where the sun got through —

Otherwise there wasn't anyone
around; he took a breath
of fresh-cut grass and roses,
fixed the pinwheel fast
against his grill,
hooked his thumb beside his nose
and honked a couple times,
then tossed the refuse, neatly
sacked and tied, inside the truck,
climbed aboard and gunned it.

NIGHT WATCHMAN OF OUR GARDENS
Sylvia Wheeler

Perched before the camera,
economist peaks brows over
horn rimmed eyes,
dips upper lip to a beak.
Ear tufts rise in the studio fan.

Predictions are grim:
"Big chief doesn't give a hoot
for the tribe. Practices Stone Age economics.
Wants bushels of berries for one fish.
Hollow trees are few between.
Nests plundered."

He tears his prey to pieces,
swallowing smaller ones whole.
"Disaster," he screeches, "nears."

Scratch. Scratch.

Dan Jaffe New Poetry Editor

Dan Jaffe has been named poetry editor of FOCUS/*Midwest*. He succeeds Donald Finkel. "Many poets published by Finkel first in our pages, have since published with distinguished publishing houses and national publications," said Charles L. Klotzer, editor. "The literary excellence of the works published reflected the critical abilities of Finkel, and I know that our readers will miss him," Klotzer added. Finkel is the author of many books, the latest, "Adequate Earth," was published by Atheneum in 1972. Dan Jaffe teaches English at the University of Missouri, Kansas City. He is the author of "Dan Freeman" published by the University of Nebraska and of "First Tuesday in November" published by BookMark Press. Among the many articles published is his essay on Gwendolyn Brooks included in a Penguine Anthology on black writers. He is also the author of a jazz opera, "All Cats Turn Gray When The Sun Goes Down."

A HOUSE
Marty Ehrlich

I walk in a house
in which the roof
is sometimes a door
or othertimes the shelves
in all the closets

or perhaps a dark mirror
through which voices fall
filling the tongues
of people in the painting
which is sometimes the floor
or on a wall outside

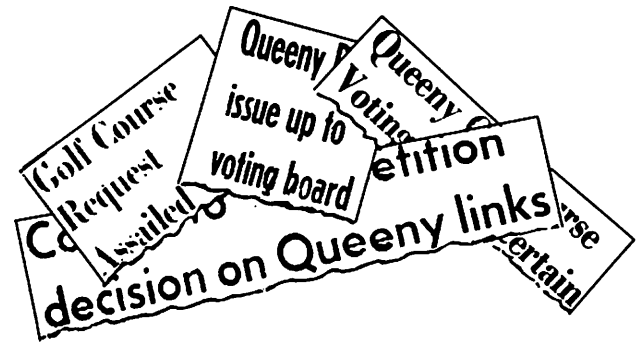
I learn slow
so far my hand
can become the banister
and my foot a plank
in the stairs

most of the time
I just watch
my body at rest
sitting in a chair
that is sometimes a fire
that lasts all winter
whose flames often become
axes or saws

then I feel my hand
support me
down the stairs

Queeny Park — the St. Louis Watergate?/

STAFF REPORT



After two years, the Queeny Park controversy in St. Louis County (Mo.) is still boiling, and it is before the courts in two separate pieces of litigation. The controversy began in the spring of 1969 when St. Louis County Supervisor Roos proposed two bond issues related to parks and recreation.

The first was to be a general obligation bond issue in the amount of $19,380,000. Of this amount, $3,770,000 was to be used for making certain improvements at existing St. Louis County parks, and the remaining $5,610,000 was to be used to buy approximately 2800 acres of additional land.

These 2800 acres were to include 7 large regional parks totalling 2,000 acres; of these, the Queeny tract of approximately 600 acres was regarded by all concerned as the outstandingly beautiful parcel. The remaining 800 acres would consist of three tracts of approximately 260 acres each, scattered in the north, northwest, and southwest parts of the county, on which would be placed three so-called "recreation centers."

The second bond issue was to be an issue of Public Recreation System Revenue Bonds in the amount of $5,500,000, to provide funds to build the facilities at the three recreation centers. Each recreation center was to include an 18-hole golf course, a swimming pool, and an ice-skating rink.

The County officials repeatedly emphasized, in presenting these proposals to the people, that the revenue bonds would be retired by user fees, and thus the recreation facilities would be provided "at no cost to the taxpayer."

Well-Orchestrated Publicity

With much fanfare the Supervisor presented these proposals to the County Council, the Council dutifully adopted them, and the two propositions were placed on the ballot on June 3, 1969. A well-orchestrated publicity campaign was carried on for several months, emphasizing the great shortage of land for regional parks in St. Louis County, the urgent need to acquire the proposed 2800 acres "before it is too late," and the fact that the golfers, swimmers, and skaters would pay for their own country club facilities "at no cost to the taxpayer." Responding to this great wave of publicity, the people approved both propositions at the polls.

The general obligation bonds were then sold, and over a period of time the county government acquired the acreage for the seven regional parks. As one of the seven parks, the Queeny tract (more accurately, a portion of the Queeny estate) was acquired through the expenditure of $3,335,000 of *tax-payers' money.*

Meanwhile, the County began to explore the possibility of selling the revenue bonds. (In depositions subsequently taken under oath in one of the pending lawsuits, county officials admitted that they had made no feasibility study with respect to this revenue bond proposal before presenting it to the voters for approval.)

On June 4, 1970, the St. Louis County Funds Investment Advisory Committee, headed by Roland C. Behrens of St. Louis Union Trust Company, reported its findings to the county supervisor. It quoted local and national bond houses as making such responses as the following:

> "Bonds which are secured by revenues of public recreational facilities with no other security provided are generally rated of inferior quality and have very limited marketability under the best of circumstances . . . bonds payable solely from golf course revenues would be impossible to sell under any conceivable market conditions . . . Unless the county were willing to make up any deficiency, I do not believe such bonds could be sold under any present rate limitations in the State of Missouri . . . [The County] would be able to market . . . bonds to be payable solely from the revenues of a swimming pool, golf courses and hockey rinks, with no pledge of the County credit behind them."

The Advisory Committee concluded that "the Recreational bonds cannot be sold at this time," and made the following recommendation: "It would seem the County may have to resubmit the issue to the electorate so as to provide payment primarily from use revenues with any deficiency assumed by the County."

But the County administration rejected this recommendation. On December 3, 1971 Park Director Kennedy wrote to the Supervisor's executive assistant, Robert Baer, "I feel it would be impractical for us to submit General Obligation Bonds for this purpose. I further feel that it would be extremely embarrassing to the administration to report to the citizens that we are unable to sell or utilize the proposal as voted." The County administration, therefore, devised an alternative scheme, to provide an infusion of additional money to support the revenue bonds, and to back them with the county's taxing power.

Golf Moved Into Queeny Park

A central part of the new scheme was to move one of the three "recreation centers" into Queeny Park, turning over a large portion of the park to the exclusive use of a small number of golfers. This move accomplished at least two purposes.

First, it eliminated the need to spend approximately $1,241,000 to acquire a separate site for the northwest recreation center; that portion of the General Obligation Bond proceeds was then transferred from a land acquisition account to a construction account, and made available for construction of the revenue bond recreation facilities. The transfer was made in secret. The Supervisor presented this proposal to the Parks' Advisory Board, and the Board's approval was kept out of the minutes because Supervisor Roos "didn't want it to leak to a newspaper."

Second, this move enabled the County administration to present to Mrs. Queeny, the widow of Edgar M. Queeny, former owner of the tract, an appeal for a gift to create a grand memorial to her husband. She responded with a pledge of a million dollars, to be paid over a period of years. Armed with this pledge, the County was able to extract a matching million-dollar gift from the Greensfelder Foundation; thus achieving a total of two million dollars in gifts to finance construction of the revenue bond sports facilities.

But two million dollars in gifts, together with $1,241,000 of taxpayers' money from the General Obligation Bond Issue was not enough to get the proposal off the ground. The County undertook to spend another $600,000 to $800,000 of the general obligation bond proceeds (a total of $1,800,000 of $2,000,000 of taxpayers' money) for architectural and engineering costs and construction of the recreation center facilities.

Thus the County added approximately four million dollars (two millions in gifts and 2 million in General Obligation Bond proceeds) to supplement the five and a half million dollars to be realized from the sale of the revenue bonds. But even adding these funds did not make the recreation revenue bonds marketable. The investment houses would still fear that operation and maintenance costs (especially high as to golf courses) would eat up the user fees, leaving inadequate margins for payments of principal and interest on the bonds. Accordingly, the County developed plans to finance operation and maintenance, in whole or in part, from general real estate taxes.

County Pledges Tax Dollars

In the prospectus ultimately mailed to investment houses in late April 1972, the County undertook to pay all operating expenses for the proposed ice rink and swimming pool in Queeny Park out of the regular Park Maintenance Fund of St. Louis County, the 8 cent ad valorem property tax. Of course, the County could not afford to do this, since the 8 cent tax was already being fully used to maintain existing parks. Accordingly, it was necessary to persuade the Missouri General Assembly to authorize a higher ad valorem tax, which it did in 1973. More than that, the County promised the investment houses, "the gross revenues [rather than net revenues after other operating expenses] of all three golf, ice, and swimming facilities will be pledged for the payment of these bonds. The County will make up any deficit from other funds available."

Thus, the County pledged its full taxing power to operate and maintain all three country clubs, if necessary, in order to set aside the gross user fees to pay the principal and interest on the revenue bonds.

These plans were developed in great secrecy in early 1972. The Open Space Council, the Coalition for the Environment, and various interested individuals repeatedly requested information as to the County's plans, and demanded copies of the "feasibility study" which they learned was being prepared. But the Supervisor's office refused to disclose any information, except that the gem of the new regional park system, Queeny Park, was going to be turned over in large measure to the exclusive use of the golfers. This information alone so outraged some citizens that two lawsuits were filed to enjoin this switch on the voters.

Roos, Papers Suppress News

It was only after these lawsuits were filed, and long after copies of the prospectus had been mailed to investment houses all over the country, that St. Louis County taxpayers were able to obtain a copy of the prospectus and learn of the financing details which the County had kept secret. Even then, the public was kept in the dark, because both major newspapers in the metropolitan area consistently suppressed the facts.

Of those two original suits, one was dismissed, and the second was amended to complain of the illegal use and pledging of tax monies to finance the country clubs, contrary to the mandate of the voters, as well as complaining of the improper use of Queeny Park, and the failure to acquire the land which had been promised the voters.

Supervisor Roos was affronted by the thought that citizens would dare to challenge his authority in the courts. *Immediately, a counterclaim for $250,000 in "actual damages" and an additional $300,000 in "punitive damages" was filed against the plaintiffs. As far as is known, this is the only instance in American history of a governmental body suing its own citizens for damages because the citizens have asked the courts to determine the legality of the government's action. The Supervisor has stated that he hopes that this counterclaim will set a national precedent, and discourage citizens from questioning their government in the courts.* The counterclaim has not yet been tried.

The taxpayers' petition was separated from the counterclaim, and tried separately in September 1972. Supervisor Roos admitted that he was changing the plans which he had presented to the voters, both with respect to location of the recreation center and aquisition of land, and with respect to financing of the recreation center, but contended that he had a right to change his plans. The Circuit Court in St. Louis County ultimately ruled that the County administration did have a right to change its plans as to location of the recreation center and land acquisition, and did have a right to pledge the gross revenues from the proposed facilities to pay the principal and interest on the revenue bonds, but did not have a right to pledge that "the county will make up any deficit from other funds available," and ordered that sentence and similar sentences deleted from the prospectus.

The plaintiffs appealed, and the appeal is now pending in the St. Louis Court of Appeals.

Switches to Revenue-Sharing Funds

Supervisor Roos then tried to end-run the courts. Perhaps recognizing that he can never sell the revenue bonds without a pledge to make up any deficit from other funds available, or perhaps fearing that he will lose even more of the case in the Court of Appeals, he found some other funds to finance construction of the three country clubs. In early 1973, St. Louis County acquired approximately ten million dollars in general revenue-sharing funds, and soon thereafter Supervisor Roos announced that he would spend approximately six million of that amount for this purpose.

Some taxpayers immediately protested that this is their tax money, being returned to them from Washington, and which should not be spent for the benefit of the golfers alone. They pointed out that they had been promised repeatedly that the golf courses and related facilities would be built "at no cost to taxpayers." Eventually, the County Council was forced to hold a "public hearing," at which the taxpayers were shunted aside so that the Supervisor's mouthpieces could "testify" that they wanted more golf courses and hockey rinks. However, after the hearings the Supervisor modified his plans and announced that he was only "borrowing" the six million dollars from the revenue-sharing funds, and would pay it back when the revenue bonds ($5,500,000) are sold. He did not say how he would pay it back if the revenue bonds are not sold.

The County Council then appropriated by a divided vote $757,000 for a contract to build the golf course in Queeny Park. (The Supervisor had started building the elaborate skating rink and swimming pool there in the fall of 1972, apparently using the Queeny and Greensfelder gift money

and taxpayers' money provided by the General Obligation Bond Issue.)

Protesting taxpayers then circulated a referendum petition to require a vote whether residents wanted their revenue-sharing funds used to finance a golf course. Although they had only forty days in which to gather signatures, they gathered over 39,000, nearly twice the number required for a referendum petition. The Election Board ruled in August 1973, that it would not put the matter on the ballot, claiming this kind of ordinance is not subject to a referendum petition under the County charter. However, the battling citizens' group, including the Mayor of the City of Florissant, have filed a suit to compel the Election Board to put the matter on the ballot for a vote of the people. Supervisor Roos has now stated that he will defer awarding a construction contract for the golf course until the question is resolved by the courts.

A St. Louis Watergate?

Through this sad tale emerges the philosophy of Supervisor Roos. The spark which set off the controversy was his broken promises to the voters: he acquired nine tracts of land instead of ten; he turned over a major portion of Queeny Park to the golfers; he pledged, in perpetuity, to finance the operation of these facilities out of real estate taxes; he plans to use real estate taxes for construction. The most shocking part is his nurturing of this plan in secret. This undercuts the integrity of the political process and it suggests the extent to which the Watergate philosophy has pervaded the County government.

The vicious counterattack launched by the government is unacceptable in a free society. When citizens and taxpayers exercised their right to petition the courts for a redress of grievances, the County administration filed a counterclaim in order to discourage citizens to exercise their political rights. In a few recent cases, in other parts of the country, somewhat similar counterclaims have been filed by private companies whose plans were questioned in court by environmentalists. The courts have dismissed such counterclaims as an infringement of the rights of the citizens under the First Amendment. When practiced by the government itself, such intimidation is even more reprehensible. The Circuit Court in St. Louis County should dismiss this counterclaim.

The Queeny Park controversy will show St. Louis County residents whether they or whether some secretive officials will determine the use of their tax funds. The public will also learn whether recreation is for the few or the many.

BY O.C. KARL

MISSOURI POLITICS

The big question around the state capitol is what will Attorney General **John C. Danforth** do?

Will he enter the race against incumbent Senator **Thomas F. Eagleton** next year? Or will he allow someone else, like Lieutenant Governor **William C. Phelps,** to become the cannon fodder? The young Attorney General, who started the Republicans on the road to recapturing state government after a 28-year exile, has become a victim of circumstances. Some Democrats say he is doomed to oblivion.

Eagleton's strength has been assessed as so great that he will beat any GOP challenger. His aborted vice-presidential candidacy on the McGovern ticket caused many in the nation to view him as a political opportunist who didn't level with McGovern on the health question, and thereby ruined McGovern's career. But in Missouri, Eagleton was the one who got the shaft. Tom showed the folks at home that when the big-league pressures got their strongest, he could take it.

Danforth ran a close race against Senator **Stuart Symington** in 1970 and, while losing, thought he had pretty well reserved a senate seat for himself.

Danforth has said he doesn't want to run for governor. But that statement might have been only a passing one, since he didn't meet the residency requirements to make the gubernatorial race in 1972. So he stood by and watched a former assistant attorney general, **Kit Bond**, shoot to state auditor and then the governor's chair.

Though Bond lost a congressional race in 1968, he has become a two-time winner and is looking at that senate seat himself. While Bond professes interest only in making a good record as governor, and being re-elected, Democrats don't believe him. They think he will be running for Symington's seat in 1976, and might even try against Eagleton, if he thought he had a chance.

Some GOP leaders, including new state party chairman **Albert Rendlen** of Hannibal, are wondering how invincible Eagleton is. They plan to test his strength. The eclipsed Danforth will be doing the same and probably will wait until late next spring before announcing his decision on running against Eagleton. He may jump into the race in a do-or-die effort, thinking not to try may put him in cold storage forever.

Danforth, with all his money and his political attractiveness, finds himself in the back seat with Bond driving, wondering if he'll ever get to the places he wants to go.

For sitting in the front seat with Bond is another young GOP brightlight – **John D. Ashcroft.** He is a good campaigner, bound to be re-elected as state auditor and could be moving up to bigger things – like the governor's chair.

THE RIGHT WING

SCHLAFLY & OTEPKA AT BIRCH RALLY

The 11th New England Rally for God, Family and Country – a thinly disguised annual affair of the John Birch Society – featured two newcomers to its five-day program: Phyllis Schlafly, currently leader of the fight against the Equal Rights Amendment, and Otto Otepka, the former State Department security man.

RIGHT-WINGER AS SECRETARY OF THE ARMY

Without a dissenting vote, the United States Senate confirmed President Nixon's choice of a right-wing, conservative Southern politician to head the Army as its civilian Secretary. He is Howard (Bo) Callaway. His 1966 campaign for Governor of Georgia, in which he almost beat Lester Maddox, was noticeably racist. Yet not a member of the U.S. Senate voted against Callaway's confirmation for the post of running the army.

GUN GROUP AIMS AT YWCA

The "National Citizens Committee for the Right to Keep and Bear Arms," operated from Seattle by a group of YAFers and other right-wingers, has started an all-out campaign against the Young Women's Christian Association aimed at cutting off the ladies' finances. The reason: YWCA adopted a resolution for control of guns and ammunition except that used for military, sport shooting and hunting.

JEWISH SOCIETY OF AMERICANISTS

Among the signers of display ads last summer for the National Citizens' Committee for Fairness to the Presidency is Michael S. Kogan, identified only as editor of *Ideas.* Not mentioned is the fact that this is the magazine of the Jewish Society of Americanists, which started out frankly as the Jewish Branch of the John Birch Society.

LIBERTY LOBBY DEEP INTO ANTI-SEMITISM

Willis Carto's Liberty Lobby has taken several steps even deeper into extremism and anti-Semitism. *The American Mercury,* which Carto controls, published a lead article, "The Way It Might Have Been," depicting the glorious world that would have existed if Germany had won WWII. The current subscription drive for another Liberty Lobby front, *Washington Observer Newsletter,* offers as a bonus "The Myth of the Six Million." A sample from the text: "there is no evidence that the Germans adopted any program of mass extermination of Jews . . ." The Lobby is sponsoring a testimonial banquet for Robert DePugh, former Minutemen head, on Oct. 20 in Kansas City.